

CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 364]

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|---------------|----------------|--------------|
| Addabbo | Fuqua | Rostenkowski |
| Badillo | Gray | Sandman |
| Bell | Griffiths | Schroeder |
| Blatnik | Harsha | Sebellus |
| Boland | Hays | Shipley |
| Brooks | Hébert | Sisk |
| Burke, Calif. | Ichord | Smith, N.Y. |
| Carey, N.Y. | Johnson, Colo. | Stanton |
| Cederberg | Jones, N.C. | James V. |
| Chisholm | Jones, Okla. | Stephens |
| Clark | Kemp | Stokes |
| Conyers | Landgrebe | Stuckey |
| Coughlin | Landrum | Talcott |
| Crane | Mayne | Teague, Tex. |
| Danielson | Melcher | Tiernan |
| Davis, Ga. | Mills, Ark. | Whalen |
| de la Garza | Morgan | White |
| Dellums | Murphy, N.Y. | Whitehurst |
| Dickinson | Nichols | Wyllie |
| Eggs | Owens | Young, S.C. |
| Engell | Patman | Zwach |
| Dorn | Powell, Ohio | |
| Fisher | Price, Tex. | |
| Flowers | Reid | |
| Ford, | Riegley | |
| William D. | Rooney, N.Y. | |

The SPEAKER. On this rollcall 362 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC BROADCASTING

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8538) to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for non-commercial educational television and radio broadcasting facilities and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8538, with Mr. GLAIMO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. BROWN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 8538 is a short and simple bill but nonetheless an im-

portant one. It authorizes appropriations for the Corporation for Public Broadcasting as follows: \$55 million for fiscal year 1974, of which \$5 million must be matched by funds contributed from non-Federal sources; and \$65 million for fiscal year 1975, with the similar requirement that \$5 million of that amount must be matched by non-Federal contributions.

The bill also authorizes the appropriation of funds for the public broadcasting facilities grant program which is administered by the Department of Health, Education, and Welfare. For that program \$25 million is authorized for fiscal year 1974, and \$30 million is authorized for fiscal year 1975.

In addition, the bill requires that public broadcasting licensees which receive assistance either directly or indirectly from the CPB or in the form of a facilities grant from HEW must retain an audio recording of any program which it broadcasts involving a discussion of an issue of public importance for a period of 60 days.

CORPORATION FOR PUBLIC BROADCASTING

As most of the Members know, Mr. Chairman, the Corporation for Public Broadcasting was established pursuant to the Public Broadcasting Act of 1967. The Corporation is an independent, non-profit, bipartisan corporation which operates under a board of directors of 15 members appointed by the President by and with the advice and consent of the Senate. Members of the Board of Directors are appointed for staggered 6-year terms. No more than a simple majority of the board of directors may be members of the same political party.

The principal purposes of the Corporation are: First, to assist in the development of high quality programs for presentation over public broadcasting stations, second, to assist in providing interconnection for those stations, and third, to promote the establishment and development of public broadcasting stations while assuring their maximum freedom from interference.

The Corporation actually became operational in 1969 with the appointment of John W. Macy, Jr., as the first president of the Corporation. Under Mr. Macy's wise and able administration the Corporation in about 3 years became an important new means of providing informational, instructional, and cultural programming for the American people. Programs such as "the Advocates," "Black Journal," "Firing Line," "Masterpiece Theater," "Sesame Street," and "the Electric Company" appeared on our television screens for the first time. A national system of interconnection for both public television and public radio stations was brought into existence. Public broadcasting stations were given grants by the CPB to assist them to better serve their listening and viewing audiences.

In the last year, however, several things happened which gave me serious concern about the future of public broadcasting in the United States.

The President last year vetoed H.R. 13918 a 2-year authorization bill which was developed in the Interstate and Foreign Commerce Committee and would

have permitted the continued development of the CPB and public broadcasting;

John Macy resigned as president of the Corporation;

The President vetoed the HEW appropriation bill which included an appropriation of \$45 million for CPB with the result that the Corporation has had to operate under a continuing authorization of \$35 million;

Our former colleague Thomas Curtis who had been appointed to CPB's Board of Directors and elected its Chairman, resigned, and

Dissension developed between the CPB and other elements in public broadcasting.

But recent events have given me reason for cautious optimism. On May 31 of this year a partnership agreement was concluded between CPB and the Public Broadcasting Service which establishes an effective mechanism for resolving problems between those organizations. In addition, the agreement provides for a pass through to public television stations of specified percentages of funds appropriated to the Corporation for unrestricted use by those stations to improve the service they render to their communities.

Another development about which I am very hopeful is that the Corporation has promised that a long-range financing plan for the Corporation will be presented to the committee this September. This is something for which we have waited a long time and which is urgently needed.

Still another development that heartens me is the fact that the bill which the House is now considering was reported to the House with solid bipartisan support and I have every reason to believe that it will become law.

Mr. Chairman, I am aware of the concern expressed by some Members with regard to foreign programming which is shown on public television. I would point out that only 6 hours of such programming was acquired by CPB during fiscal 1973. The cost of this programming represents less than 0.07 percent of CPB's fiscal year 1973 budget for national programming. Much of the foreign programming which has been shown on public television has been funded by private underwriting. This includes series such as "Masterpiece Theater" and "International Performance" for which no CPB funds were used. Certainly there should be no boycott of foreign productions or talent. Nonetheless the public broadcasting community as well as commercial broadcasters should recognize that high quality talent production facilities, and sources of program ideas are available in the United States but are going unused.

Another matter involving programming about which some concern has been expressed is that of programming for minorities and particularly for black Americans. I would observe that the only two program series shown nationally on television which were produced by black Americans—"Black Journal" and "Soul" appeared on public television and were substantially funded by CPB. These series will be continued on public tele-

vision in the 1973-74 program year. Moreover, several programs of particular interest to black Americans have been or are being produced by local public television stations. For example, WTTW-TV of Chicago produced and distributed nationally "The National Black Political Convention" which afforded viewers the leading blacks in American political life. Other programs of interest to other of our minority citizens are being produced at the local and national level—programs of interest and concerning Chicanos, American Indians, the aged, and women. It is my hope that the increased grants which CPB will make to local public television stations under this legislation and the CPB-PBS partnership agreement will increase and improve the minority programming which is done at the local level.

Furthermore, the Corporation has established a program under which it makes grants to public broadcasting stations to pay up to half the salary and benefits of minority employees for 2 years. These grants are for members of minority groups who are involved in meaningful decisionmaking in public broadcasting, for example, the director of programming at an FM station or the director of minority programming at a television station. The nine most recent grants amounted to \$108,000. So far 25 grants have been made and more are expected to be made in 1974. Dr. Gloria Anderson, a black member of the CPB Board of Directors and chairman of the chemistry department at Morris Brown College, Atlanta, Ga., heads the panel which is selecting the recipients of these grants.

BROADCASTING FACILITIES GRANT PROGRAM

In addition to authorizing funds for the CPB, H.R. 8538 also authorizes appropriations for the public broadcasting facilities grant program—\$25 million for fiscal year 1974 and \$30 million for fiscal year 1975.

Under the program the Secretary of Health, Education, and Welfare makes grants to eligible applicants of up to 75 percent of the cost of acquiring and installing specified radio and television broadcasting apparatus. Grant funds cannot be used for the purchase, construction, or repair of buildings or the acquisition of land.

There are five classes of eligible applicants for grants under the program: First, State or local public school agencies; second, State public broadcasting agencies and commissions; third, tax-supported colleges and universities; fourth, nonprofit community corporations and associations organized primarily to engage in public broadcasting; and fifth, municipalities operating public broadcasting stations. Any grant must—in addition to being used for the acquisition and installation of broadcasting apparatus—be used in furtherance of public broadcasting, which requires that the grantee have or be in the process of obtaining a license from the Federal Communications Commission—FCC—to engage in public broadcasting.

Of the funds appropriated for this program in any fiscal year, not more than 8½ percent may be granted for projects in any one State.

In determining which applications for public broadcasting facilities grants are to be approved, the Secretary of HEW is governed by regulations intended to achieve: First, prompt and effective use of all public television channels remaining available; second, equitable geographic distribution of public broadcasting facilities throughout the several States; and third, provision of public broadcasting facilities adaptable to the broadcast educational uses which will serve the greatest number of people in as many areas as possible.

In 1962, when the educational television broadcasting facilities grant program was enacted, there were 76 educational television stations on the air serving areas occupied by slightly more than 50 percent of the population of the United States. Today there are 237 such stations on the air serving areas occupied by 77 percent of the population. These stations are located in every State, except Montana and Wyoming, and also in the District of Columbia, Puerto Rico, Guam, and American Samoa.

In addition to public television stations, the broadcasting facilities grant program also applies to noncommercial radio broadcasting stations of which there are at present about 600. In the 4 years that such radio stations have been eligible for grants under the program, 40 grants have been made for new public radio stations and 140 for the expansion of existing public radio stations.

Since the beginning of the public broadcasting facilities grant program in 1963, \$77.6 million in Federal funds have been awarded, matched by approximately \$27.4 million local dollars for project costs alone. In addition to matching project costs, stations must: First, guarantee to operate the equipment purchased for 10 years; second, show evidence of at least the first years operating funds on hand or certified available; and third, pay all building and land costs from other than grant funds. Thus, the funds which must be generated locally in addition to the matching project moneys are, conservatively, 10 "local" dollars to each Federal dollar; which, translated, means that \$77.6 million in Federal funds have generated more than 750 million "local" dollars.

Mr. Chairman, I am aware that some Members of the House have received complaints that public broadcasting stations are competing for commercial business. Let me make it very clear that none of the facilities purchased with grants received under the broadcast facilities grant program may be used for such purpose. Section 392(a)(4) of the Communications Act of 1934 specifically provides that these facilities may only be used for educational purposes. On June 27 when I first became aware of these allegations I wrote to Secretary Weinberger to obtain his assurance that the law in these regards is being observed.

In this connection, a memorandum reading as follows was sent by the Department of HEW to all public television licensees on July 5.

Noncommercial educational stations who have received Federal money for facilities have signed an assurance required by the Public Broadcasting Act (section 392(a)(4)) that federally supported broadcasting facilities

will be used only for educational purposes. No mobile units or other facilities containing equipment purchased with the aid of Federal Funds under the Educational Broadcasting Facilities Program may be made available at any time or under any circumstances for use for commercial purpose, even if the commercial interest pays for the use through gifts, lease charges, or support money which is used to support the noncommercial operation. If any item purchased with the aid of EBFP funds is used by commercial interests for any commercial purpose within ten years after the date when the project was completed, the grant will be revoked and the Federal share must be paid back to the U.S. Treasury.

Mr. Chairman, public broadcasting has come a long way since the broadcasting facilities grant program was first enacted by the Congress in 1962. But it can go a long way further in serving the American people. Enactment of H.R. 8538 is a stride in that direction. I hope that every Member of the House will join me in support of H.R. 8538.

In closing, Mr. Chairman, I want to take this occasion to compliment members of the committee on both sides of the aisle who have cooperated and worked together in getting this legislation enacted. They are deserving of our appreciation, particularly the chairman of the Subcommittee on Communications and Power, Mr. MACDONALD, the other majority members of the subcommittee, LIONEL VAN DERLIN, FRED ROONEY, JACK MURPHY, and GOODLOE BYRON. Also the ranking minority member of the subcommittee, CLARENCE BROWN, and the other minority members, JIM COLLINS, LOU FREY, and BARRY GOLDWATER. My thanks and appreciation are extended to them also.

Mr. MITCHELL of Maryland. Will the gentleman yield?

Mr. STAGGERS. I am very happy to yield to the distinguished gentleman from Maryland.

Mr. MITCHELL of Maryland. I do not know whether this is the proper time or not, but during the presentation you caused me to raise several questions in my own mind. Is this the proper time to pose those questions to you?

Mr. STAGGERS. Any time.

Mr. MITCHELL of Maryland. Quite frankly, I am thinking of submitting an amendment to this piece of legislation. The final determination as to whether or not I will submit it will depend on the answers that we get during this entire debate.

Mr. STAGGERS. Fine.

Mr. MITCHELL of Maryland. With regard to the type of programming done under public broadcasting, do you know how they seek to achieve in programming a balanced view of all the diverse elements that make up this great American society? For example, do we know whether or not there is an attempt to achieve a balance in terms of presentations about the Puerto Rican population, the black population, or the Indian population? Do you have any information on that?

Mr. STAGGERS. Let me say most of this is made up by the local stations. We have not tried to interfere with the local stations in saying what should be or what should not be done.

Mr. MITCHELL of Maryland. Mr.

Chairman, would the gentleman yield further?

Mr. STAGGERS. I would be happy to yield further to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I am aware of the fact that local stations have a great deal of control. However, Federal dollars to go into this programing, and they are utilized in some fashion for the implementation of this program. Therefore it would seem to me that we have a responsibility to assure that Federal dollars are being used in programing to give a balanced, fair and objective view of the picture of all of the elements that make up America.

By way of illustration, if I may continue further, although these programs are under local control there are Federal dollars coming into them. Could this mean that the States would not be bound by the equal opportunity provisions under title VII?

Mr. STAGGERS. Would the gentleman from Maryland repeat his question?

Mr. MITCHELL of Maryland. Mr. Chairman, I am saying that although the States have control over these programs, over programing, we have Federal dollars coming in.

Mr. STAGGERS. The States do not. The local station has the control, not the States. As I said before, there is less than \$1 in \$10 that is paid by the Federal Government for public broadcasting.

Mr. MITCHELL of Maryland. If I may say to the distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS) for whom I have a very intense and high personal regard, and I have often talked about it, it would not matter to me whether there was 50 cents of Federal dollars coming into the programs that are controlled at the local levels, I would object and object strenuously if 50 cents in Federal Government money went into any type of programing which did not take into account equal opportunities under title VII in a program which is fair and objective as far as all minorities are concerned.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, the gentleman from Maryland is stating that there are controls over the programing. There are no governmental controls whatever over the program. They are subject to the same fairness doctrine, and the same access to complaint via the FCC that can be lodged against adult education stations for the type of complaints that may be lodged if they are not living up to their responsibilities. They are licensed by the FCC. They are not overseen by the Federal Government except in so much as when complaints are lodged.

We just got through a very difficult period of time when the Congress woke up and told the administration more or less to stop trying to influence programing and telling people what kind of news or what kind of programs they could see over adult broadcasts. Mr. Whitehead was accused by a number of critics, including myself, for exercising executive

control over what is primarily a free enterprise.

I think it is very proper that this adult system of broadcasting be free from any governmental control as to the content of its programing except that if they do, in fact, they are subject to complaint through the regular route of challenges to their license. There is opportunity to make complaint.

Mr. MITCHELL of Maryland. Mr. Chairman, I do not want to belabor the point, but is the gentleman saying that he would like to see this outfit free of control in terms of equal opportunity entirely?

Mr. MACDONALD. Of course not. HEW, that supplies the facilities money, is subject, as any governmental agency is, to all the laws of the land, and among the laws of the land is the Equal Employment and Fair Opportunity Act; they are subject to that, of course, just as all in the United States are subject to it, and properly so, and I would fight to see that that continues.

Mr. CLAY. Mr. Chairman, will the gentleman yield on that point?

Mr. STAGGERS. I yield to the gentleman from Missouri.

Mr. CLAY. I am of the same opinion as the gentleman is that HEW and all other Federal agencies relating to public broadcasts are covered by the law, but apparently HEW and the Federal Communications Commission are not of the same opinion. They are not enforcing the laws as they relate to title VII of the Civil Rights Act.

HEW yesterday sent the gentleman a memorandum in which they outlined to him the steps that they were taking to insure that Federal money was not going to be spent in violation of the non-discrimination laws, and if the gentleman will look at the last paragraph of that memorandum, he will see why I feel I am justified in offering these two amendments that I am going to offer at the appropriate time. They have interpreted the public broadcast law to mean, and I will quote from their memorandum to the gentleman:

However, since EBFP deals only in the acquisition and installation of transmission apparatus, the Public Broadcasting Act, Section 398(2) prohibits Federal interference or control over the grantees:

And they quote that language:

Nothing contained in this part shall be deemed to authorize any department agency, officer, or employee of the United States to exercise any direction, supervision, or control over ETV or radio broadcasting, et cetera.

The Federal Communications Commission has also interpreted that language to mean that they cannot have any control exercised over public broadcasts. For that reason they have never required them to make ascertainment surveys.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. As the gentleman from Missouri well knows, Commissioner Hooks sat in my office upon review and indicated that ascertainment processing was being stepped up. He promised both

of us that ascertainment processing would be stepped up, and the gentleman has a letter, as I do, from Commissioner Lee, Rex Lee, who is the Educational Commissioner for the FCC indicating that he already has this ascertainment process working and is going to concentrate on it even more.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Missouri.

Mr. CLAY. I think that is all fine and good, but the point is there is still legal disagreement even in the FCC as to whether or not they have the authority and the power in order to require ascertainment surveys for public broadcasting. I say it is our responsibility to correct that language and make it crystal-clear that we are not for public broadcasts to be covered under the enforcement provisions of title VII of the Civil Rights Act.

Mr. STAGGERS. Let me say to the gentleman that I am in entire sympathy with the objective that he is trying to achieve. We will try to do this in a way that I think is proper and right. I do not believe that we ought to start amending this act. If we start doing it, we are going to then do something that we did not intend.

We got this report today saying that during the year 1972 the grant for minority programs, excluding "Sesame Street" and "the Electric Company," is \$650,000 out of \$12.7 million, and in the year 1973 it is \$1,150,000 out of \$14,700,000. It gives some of the programs, and there are many.

Mr. CLAY. If the gentleman will yield, I am sure the gentleman is not going to try to support those figures as being adequate, fair, and equitable.

Mr. STAGGERS. I am just giving them to the gentleman as they were given to me. Reported here are some of the programs that have been done since October 1971: "Black Journal," "Soul," "Firing Line," "The Great American Dream Machine," "But Not My Kids," and the "Public Affairs Election Assessment," which involved the gentleman from Missouri, Mr. WILLIAM CLAY.

Mr. CLAY. Mr. Chairman, if the gentleman will yield further, when he gets through reading that list, he is going to come up with a grand total of 9½ hours on network television.

All of those programs the gentleman is referring to total 9½ hours, so it is not the number of programs.

Mr. STAGGERS. Does the gentleman know how much total network programing has been done?

Mr. CLAY. It was 852½ hours on network time completely across America last year, and the minority communities got 37 hours of the 852½ hours.

Mr. STAGGERS. There may be less network programing this year because the local stations will be receiving larger grants from CPB.

Mr. CLAY. Will the gentleman yield at that point?

Mr. STAGGERS. I yield to the gentleman from Missouri.

Mr. CLAY. That is what disturbs me. We are talking about giving money with

no strings attached to the local stations. How do we control that once it gets into the local hands as far as programing and program content and character of programing at the local points? The minorities have been refused positions on the board of directors. For instance in the District of Columbia, where the population is 80 to 85 percent black, we have not a single black one sitting on the board of directors of Public Broadcasting. In my community also there is not one black man sitting on the board of directors for Public Broadcasting. How do we have any input into deciding what goes into this? How do we control this when we give it to the local stations with no strings attached?

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I call the gentleman's attention to the figures on programing which have been put out by the PBS. I am not sure these are correct but I do not know where the gentleman got his figures.

Mr. CLAY. I got them from the Public Broadcasting Corporation.

Mr. MACDONALD. That is where I got these from. I would like to point out to the gentleman for the fiscal year 1972, 20.8 percent of all scheduled programing was for minority programing, and there is scheduled for fiscal year 1973 to be an increase to 41.8 percent.

Mr. CLAY. Mr. Chairman, I think the people at Public Broadcasting hold this Congress in contempt to issue a figure like that including "Sesame Street" as a minority program. That is contemptuous.

Mr. MACDONALD. It is an integrated program.

Mr. CLAY. It is not a minority program. Let us go back to the original purpose of Public Broadcasting. Public Broadcasting is to insure every individual in the community a certain portion of the air waves that belongs to the public.

Mr. MACDONALD. Mr. Chairman, I cannot yield any further to the gentleman. I would suggest the question be brought up at the time of the gentleman's amendment, which I am sure will be forthcoming.

Mr. CLAY. I wish the gentleman would correct that 20 percent, because they are including "Sesame Street" and a number of other children's programs which have nothing to do with minority broadcasts.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts, the chairman of the subcommittee (Mr. MACDONALD).

Mr. MACDONALD. Mr. Chairman, I thank the gentleman from West Virginia for yielding to me.

Unfortunately we have gotten involved in some matters that will be forthcoming as amendments and the bill in its entirety has not had a chance to be explained.

I think the first thing to understand about this bill is that the entire bill is a compromise. It funds for a 2-year

period the operations of the Corporation for Public Broadcasting and the stations licensed as noncommercial, educational broadcasters, as well as additional funding for the physical facilities of public television stations.

The level of funding called for in this bill represents a compromise between the amounts authorized by the Congress in a bill passed a year ago, which was vetoed by the President, and the amount the Corporation has been existing on under a continuing resolution during the past year. This bill authorizes the sum of \$50 million for fiscal year 1974, plus an additional \$5 million if matched by nongovernmental grants and \$60 million plus \$5 million matching for fiscal year 1975.

The bill also authorizes \$25 million for fiscal year 1974, and \$30 million in fiscal year 1975 for facilities grants.

I would like to call to the attention of the House that this bill has already passed the Senate with the higher funding, but the Committee on Communications and Power came up with a compromise. These figures are not the original figures that were introduced by the Democratic side, but represent a direct compromise between the Republican members and the Democratic members which eventually came out unanimously.

The background of the bill is a fascinating one, but time does not permit my going into all the various twists and turns that this bill has had over the past year or so. Suffice it to say that there have also been great compromises arrived at and achieved by the dedicated people, both in CPB and PBS, in resolving their disputes, in which it was felt for a time that these disputes would never be resolved. But, they have been resolved and the compromise was reached which was explained to the subcommittee in detail by President James Killian of MIT and Mr. Ralph Rogers of Dallas, who is the president of the Public Broadcasting Station group. They have assured us that they will not be any participants to any arrangement which has connotations of any political influence which would affect their programs. They assured us that they will use the money granted to them by the Congress to carry out the original congressional mandate of the 1967 Public Broadcasting Act.

One point which we were very glad to have cleared up in that agreement was the question of how much money would pass through the hands of the corporation directly to the individual public broadcast licensees for their own local broadcasting operations. As many Members will recall, it was on that so-called issue of "localism" that much debate of a year ago was centered. There now exists total agreement on the need for localism among the various segments of public broadcasting structure.

In the agreement are specific percentages of funds which will automatically pass through the corporation to the local stations, increasing from about 40 percent at the funding level for fiscal year 1974 up to at least 50 percent in later years.

In addition, the CPB passes through

dedicated funds—meaning funds which are allocated directly—these also to public radio, because in all the controversy over TV, public educational radio has taken a back seat and is so very important in many parts of our country, especially in the less heavily populated States.

There are a number of safeguards built into the CPB-PBS agreement that insure against anything but the most democratic action. I have announced to those in charge that while the funding is for a 2-year period next year our subcommittee will hold oversight hearings on how the agreements have actually been implemented.

The subcommittee was assured by Mr. Whitehead representing the White House Office of Telecommunications Policy, that the administration had no objection to the 2-year funding authorized by the bill. He did express some question about the amount of funding originally stipulated; since then, a downward adjustment has been made, and both Mr. DEVINE ranking minority member of our full committee, and Mr. BROWN of Ohio, ranking minority member of my subcommittee, have indicated on the record that they are satisfied with this bill as a compromise.

In closing, let me stress that I recognize as we all do that this bill does not represent the goal for which we have all been striving since 1967, permanent financing for public broadcasting. We continue to be promised a permanent plan, and we can only hope that it will be forthcoming in the near future, hopefully by this September.

Meanwhile, I firmly believe that H.R. 8538 will give public broadcasting a chance to prove itself and to revive the momentum it lost when it was forced to cut back program plans last year. Our subcommittee will be diligent in this oversight responsibility; we are encouraged by the team that public broadcasting has assembled and we urge this body to pass this bill so that they can get on with their plans.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MACDONALD. Mr. Chairman, I certainly feel strongly that in light of the cooperation that has been exhibited by all parties to this bill, and by all parties I include the administration; I include the executive; I include Mr. Clay Whitehead; I include the Republican Party and its distinguished ranking minority member of the subcommittee, and the compromises made. This bill does not represent a victory for anybody.

It is a great compromise, and I would hate to see it get involved in a controversy that can certainly be settled some place else except within this bill, at this day, when all these 237 stations are on starvation rations.

They do not know how long they can exist or what programing they will have in the future. I think it is incumbent upon us to put aside some minor disputes, to go ahead and come up with a national broadcasting policy for the country.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 10 minutes.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Chairman, I am speaking today to urge passage of H.R. 8538, the bill which authorizes funds for the Corporation for Public Broadcasting for its operations and program development, \$55 million for fiscal year 1974 and \$65 million for fiscal year 1975; and for matching facilities grants to noncommercial educational radio and television stations \$25 million for fiscal 1974 and \$30 million for fiscal year 1975.

This bipartisan bill represents a funding level adequate for orderly growth of educational broadcasting, yet a modest enough figure that we have the best chance for avoiding a Presidential veto. While we expect level of Federal support—now about 20 percent—to gradually diminish in the future in favor of local sources, Federal assistance is still critical at this stage of development.

H.R. 8538 sets authorizations for 2 years, a time period which gives public broadcasting the opportunity to plan realistically for its operation and the challenge to more fully attain the objectives Congress intended for its service to the American people.

This compromise bill should give the advocates and managers educational and public broadcasting in America 2 years to prove its worth to the public, the Congress and the White House—or to destroy what confidence still remains after a stormy couple of years just past.

In 1962, recognizing the significant role television could play in meeting educational needs throughout the United States, Congress enacted the Educational Television Facilities Act. This provided matching grants to establish and expand noncommercial educational television stations. Five years later, responding to the promise of success of this program, and to the recommendations of the Carnegie Commission Report on the potential of noncommercial television, Congress enacted the Public Broadcasting Act of 1967 to establish the Corporation for Public Broadcasting and expanded the grant program to include educational radio facilities. I was disappointed that the 1967 tended to blur the focus on education and tended to increase emphasis on establishing a system competitive to commercial broadcasting.

But the 1967 Public Broadcasting Act, like the 1934 Communications Act, is solidly based on the principles of localism, diversity and service to the public interest in each licensee's service area.

However, as the Corporation has since grown, proper emphasis to these principles has diminished. The original Carnegie Report recommended that:

The Corporation would exist primarily to make it possible for those stations, one by one to provide the greatest public service to their communities.

There are 237 educational television stations in areas serving 77 percent of the population, as well as 600 noncommercial radio stations now in operation. Each of these stations, at the local level, should

be the focal point for strengthening the United States educational or public broadcasting system.

Incumbent on each station is the responsibility to identify salient educational needs of its local community and program accordingly as its resources allow. Each licensee should seek the greatest number of alternative programming sources, but constantly resist the influence that is tied to overreliance on any one source of funding—be it a private citizen, a tax-paying commercial enterprise or a tax-exempt corporation. For example, in the incipient stages of public broadcasting the Ford Foundation grants represented 25 percent of the total income of the public broadcasting system. Now Ford support represents only about 5 percent of such total income. And I feel that reduction in single source influence is desirable. But, the Foundation has recently been the source of over half the annual income of selected licensees. H.R. 8538 carries no restrictions on maximum percentages of support which licensees can receive from one source. However, such a provision may be necessary in the future if the independence of individual licensees is threatened by undue dependence on underwriters or sponsors.

In the legislation today, we recognize that licensees can attain independence, program diversity and responsiveness to local public interests only if they have adequate facilities, strong financial support, necessary time to plan, access to alternative programming sources and a workable structure within which each station can cooperate productively with others and with the Corporation for Public Broadcasting.

The recently agreed to reorganized structure of public broadcasting offers hope that the Corporation for Public Broadcasting and the Public Broadcasting System can now function more effectively. We except the new 7 point agreement between CPB and PBS upon which the structure is based to be more than a marriage of necessity. The resolution became a reality largely due to the participation of a few men of high stature. We caution all involved to well utilize the conciliatory leadership of local licensees, PBS, CPB, the Congress and the administration to assure that the system endures beyond personalities currently involved.

Especially commendable in the resolution is the provision which increases unrestricted CPB grants for local stations. Increasing the pass-through grants is wholly consistent with a principal objective of the corporation for Public Broadcasting: to facilitate individual stations' capabilities to program for community needs rather than to some national standard.

It is important, too, to emphasize the provision in point (4) of the agreement:

The final (PBS) schedule shall reflect the arrangements of programs for interconnection service to stations, and shall not be regarded as a schedule of programs for broadcast by the stations.

True, the Corporation for Public Broadcasting exists in part to serve local stations. But this service cannot be by networking, but by stimulating the de-

velopment of high quality, heterogeneous programming alternatives. And, in the past, the Corporation for Public Broadcasting has too often concentrated its resources in too few production centers. As the Public Broadcasting Act of 1967 specified, the Corporation for Public Broadcasting was "to promote the availability of high quality programs, obtained from diverse sources."

If the Boards, the stations and especially the operating staffs of public broadcasting do not make the new CPB-PBS agreement workable, the new structure will fail. If it fails, a total restructuring of public broadcasting by Congress would be the only available option. We do not advocate homogenous thinking among components of public broadcasting but participants must develop a greater spirit of cooperation among themselves.

The organization of the Corporation for Public Broadcasting itself requires continuing self-appraisal to insure that its internal decisionmaking process remains democratic, and that its creative planning does not fall victim to a growing internal bureaucracy. H.R. 8538 does not touch the issue of the Corporation for Public Broadcasting Board membership or appointment procedures. In authorizing operating funds for 2 years, we hope the administration will use this period to insure that the Corporation for Public Broadcasting Board appointees are of professional caliber. In the long run selection criteria and procedures must be as far removed as possible from partisanship of any incumbent administration. Insulating the Corporation for Public Broadcasting from political pressures from whatever source is indispensable to its success. As the last 2 years have established the, system will have its best chance of survival it can avoid the charge that it is being used by anyone to advance partisan political objectives.

Also essential to effective operation in the future is that the system have sufficient time to plan productions. The minimum leadtime necessary to research, plan and produce program concepts is, in most cases, 18 months to 2 years. Less than minimum leadtime usually results in a drop in program quality. And, lower program quality most often means a drop in local financial support. For example, planning for classroom programs is linked to a school planning cycle, usually 24 months. Consequently, the ability of a local station to contribute to classroom instruction will be greatly enhanced by secure funding levels of more than 1 year. A 2-year authorization term, moreover, is a minimum time for hiring and training technical and creative personnel.

Another key element in strengthening local stations is providing them with added flexibility in scheduling for their locale. The facilities grant program authorized in H.R. 8538 and help give stations this flexibility. For a station to receive programs from outside sources such as the Public Broadcasting System interconnection, then air them when and if it chooses, the station must have sufficient video tape recording equipment,

which usually means a minimum of four VTR units per station for scheduling flexibility.

To give each existing station this capacity would cost \$25 million. But this facilities' need is not the only one. When all matching grants funds appropriated for fiscal year 1973 were spent, 75 applications seeking \$20 million for local facilities had not been acted upon, and 30 more applications will be filed this year. Consequently, the \$25 million and \$30 million authorized for fiscal year 1974 and fiscal year 1975 meets only minimum foreseeable needs for upgrading local stations and giving each greater scheduling autonomy.

With improved facilities, added program funds, more planning time, a better system structure stronger local licensees, and some partisan restraint, public broadcasting can break new ground in continuing education, classroom instruction and teaching innovation. In fiscal year 1972, 34 percent of all on-the-air hours in public television was instructional programming, and the absolute number of hours totaled 241,000, an increase of 20,000 over 1971 and 40,000 over the 1970 total. Since 50 percent of all current noncommercial licensees are school systems, colleges and universities, greater emphasis on needs of each local service area naturally points to greater instructional programming in the future and that suits me fine. There is a need there—a real need that must be met in nonpartisan position if it is to be met at all.

I urge the leaders of public broadcasting to keep these cautions and concerns in mind as they try to fulfill the expectations of the act of 1967.

And I urge Congress to give them the resources and the next 2 years to do so by passing H.R. 8538.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

Mr. DEVINE. Mr. Chairman, I would invite the Members' attention to the additional views I attached to the committee report on this, which is somewhat garbled by the typesetters in the Government Printing Office. Nevertheless, they are represented as additional rather than minority views, because I intend ultimately to support this bill when it does come up for a vote.

Mr. Chairman, when Public Broadcasting became the subject of Federal legislation, and Federal funding, it was a foregone conclusion that Congress would have to exercise continuing surveillance over its activities and be prepared to accept part of the responsibility for its actions. High-flown visions of a quasi-public corporation being given complete and untrammelled authority to spend hundreds of millions of dollars, creating and disseminating television and radio programming with no governmental strings attached, were at best a pipe dream. Congress always would be and should be looking over the shoulder of such a corporation. Any administration, regardless of which party might be in power, would have a keen and continuing interest in

its activities and certainly make some suggestions from time to time. That these conditions have developed in the short history of the Public Broadcasting Corporation should not come as a surprise to anyone.

Certain objectives were very clear to the Congress when the Public Broadcasting Act was passed. Perhaps due to the limitations of language, they were not entirely understood. Perhaps they were concepts which could not be carried out in the realities of operation. In any event, some of the things which Congress did not want to happen in the implementation of the act did happen. Congress did not want a concentration of programming sources such as the commercial television companies maintain in New York and the west coast.

Neither did it want any one or a few big money entities to dominate the producing and offering of program material for use by noncommercial stations. Perhaps this was too much to expect, and so far the influence of one or two sources of funds has pretty well dictated what would be available.

Congress did not want another network, so it forbade the corporation authority to create one, recognizing that some kind of interconnection among noncommercial stations was desirable. Certain programs have value, principally because of their currency, and considerably less or no value after the fact. Perhaps here, too, we were naive to think that interconnection plus more programming and timely programming could result in anything but networking in the traditional sense. If programs are available from outside, and the air time is there waiting to be filled, the inclination to accept them without much question is probably overpowering.

The Public Broadcasting Service, a subsidiary of the Public Broadcasting Corporation, in its efforts to obtain the kind of programming it wanted, and its efforts to be completely independent of any judgmental oversight by PBC, created a stir which has boiled along for the better part of a year. At the present time there has been a truce, a compromise, a cease-fire which is intended to solve the problems. I get the impression that PBS and the PBC are still at arms length and not entirely trustful of each other. Time will tell.

In all of this, the position of the non-commercial stations has been most curious. While it would seem they would not look kindly upon the trend to centralized programming, they seemed to come down on the side of the forces which foster it. At the same time they want greater and greater percentages of the Federal money to automatically come through to them without restrictions on its use. This sounded sensible enough to me until lately.

Although it may not be widespread, I have heard of instances in which non-commercial stations have been competing for the business of producing commercial material for use by TV stations. This is direct competition with advertising agencies and independent producing companies. Section 392(4) of the Communications Act requires:

That such broadcasting facilities (non-commercial educational stations) will be used only for educational purposes.

The money to support noncommercial stations comes from several sources. Under present agreements with PBC larger and larger percentages will come directly from appropriated Federal funds. Much of it comes from school systems, State and local tax dollars and public contributions. The reason for funneling more Federal funds to local stations is to make it possible for them to concentrate on creating better local and regional programs for use by noncommercial stations. If they have enough equipment and talent available to do that job and still compete in the marketplace, they have entirely too much. And there is no excuse for any Federal funds being used to support such stations.

Such commercial activity is in direct violation of the Communications Act besides being a misuse of Federal and other tax money. As far as I am concerned any noncommercial station which is competing for production of commercial material should be not only cutoff from Federal funds but should be required to pay back any amounts they may have received.

If such sanctions are not sufficient to completely eliminate the practice, the Federal Communications Commission should consider the forfeiture of licenses for violation of Section 392(4) of the Communications Act.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. VAN DEERLIN) a member of the subcommittee.

Mr. VAN DEERLIN. Mr. Chairman, I commend the gentleman from Ohio for the leadership the gentleman has given in the subcommittee on this legislation, and the efforts the gentleman from Ohio has made toward shaping the compromise that has been brought to the floor today.

Mr. Chairman, the Public Broadcasting Authorization bill now before the House represents both a compromise and a commitment. As such, it merits approval in the form recommended by the Committee on Interstate and Foreign Commerce.

I say the legislation is a compromise because it carefully balances the need for stations to be able to operate free of Federal influence, against the equally legitimate need for some congressional control over the expenditure of Federal funds.

Compromise is also evident in the fiscal restraints recommended by the committee. While the 2-year authorization would give the public broadcasting system some urgently required leadtime, particularly in the planning and preparation of national programming, the funding levels proposed represent an absolute minimum if our support is to mean anything.

The 2-year authorization, previously agreed to by the Senate, would in itself establish a new commitment on the part of Congress to take the lead in assuring the independent growth of public broadcasting.

Since it was established 6 years ago, the Corporation for Public Broadcasting has been forced to operate on year-by-year authorizations. Last year, as many of our colleagues will recall, Congress tried to improve the situation, but got no help from the administration as the President vetoed our first try at a 2-year bill. The list of administration efforts to hamper public broadcasting is so long it is almost tedious. We have still had no visible action on the long-promised plan for systematic financing of public broadcasting, and many of us remember how the previous president of CPB was forced into resigning in part, by overt White House hostility.

What this all means is that Congress must assume the leadership role in providing public broadcasting with enough flexibility to enable the CPB to produce programs of greater quality which in turn will generate additional financial aid from the private sector. If the American people cannot enjoy quality programming over the public television system, then it is fair to assume they will not support these stations, and we will have been responsible for the death of a noble venture.

The 2-year authorization period serves notice that we intend to protect an institution of free expression that is the property of the American people, and not the instrument of a partisan unit of government. This does not mean that the legislative branch must surrender all its responsibilities. The oversight and appropriations processes will continue to assure that legislative responsibility is being met.

In addition, section 2 of the proposed legislation stipulates that any station receiving assistance from CPB make audio transcriptions of programs in which any issue of public importance is discussed. These tapes must be maintained by the station for 60 days, for possible public scrutiny. Of course, no commercial broadcaster is saddled with this requirement—it comes dangerously close to censorship. For this reason, I must point out that as far as I am concerned the provision in question is in no way a "hunting license" for the Federal Government. Rather, it is a housekeeping device, which I anticipate will be rarely if ever used.

In closing, Mr. Chairman, I would urge our colleagues to accept this bill as perhaps less than perfect but in all likelihood the best we can achieve at this time. At least the legislation will give public broadcasting a little more room to grow, and provide a statutory foundation for additional improvement later.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Chairman, I too would like to commend the gentleman from Ohio (Mr. Brown) on the outstanding work the gentleman has done in bringing to the floor of the House today a compromise in this bill.

Mr. Chairman, I am proud to lend my strong personal and legislative support to legislation authorizing Federal funds for public broadcasting for fiscal 1974

and 1975. Provisions of that legislation will help provide substantial and vitally needed financial support for programming at both the local and national levels.

In my own district, it will mean that WLVT-TV will be able to continue providing such important community service programs to the citizens of the Lehigh Valley as the live weekly County Commissioners Report where area viewers can phone in questions pertinent to them and their communities and have them answered on the air by their elected officials.

Passage of the 2-year funding measure will also mean continued support for a broad range of cultural, children's, and public affairs programs at the national level to supplement and complement the already excellent locally produced programs on WLVT.

On behalf of the viewers in the Lehigh Valley, I would like here to extend my thanks to WLVT general manager Sheldon P. Siegel and his staff and to Charles W. G. Fuller, president of the Lehigh Valley Educational Television Corp., for their contribution to high quality community and educational television and to assure them that I will continue to support the kind of legislation that will insure the continued development and distribution of local and national programs of excellence for public broadcasting throughout the country.

I include the following:

MINORITY PROGRAMING SUMMARY

| | Fiscal year— | |
|--|-------------------|------------|
| | 1972 | 1973 |
| CPB grants for minority programming (excluding "Sesame Street" and "Electric Company") (dollars)..... | 650,000 | 1,150,000 |
| Total CPB program grants (dollars)..... | 12,700,000 | 14,700,000 |
| CPB minority program grants to total grants (excluding "Sesame Street" and "Electric Company") (percent)..... | 5.1 | 7.8 |
| CPB minority program grants to total grants (including "Sesame Street" and "Electric Company") ¹ (percent)..... | 20.8 | 41.8 |
| | Fiscal year | |
| | 1972 ² | 1973 |
| PBS distribution of minority programs (excluding "Sesame Street" and "Electric Company") (hours)..... | 101 | 138 |
| PBS total evening hours distributed..... | 902 | 828 |
| PBS total hours distributed evening and children's ³ | 1431.5 | 1277.5 |
| PBS distribution of "Sesame Street" and "Electric Company" ³ (hours)..... | 396 | 390 |
| PBS distribution of minority programming to total evening hours ³ (percent)..... | 11 | 16.7 |
| PBS distribution of minority programming to total hours (including "Sesame Street" and "Electric Company") ³ (percent)..... | 35 | 41.3 |

¹ SS and EC funding: Fiscal year 1972—\$2,000,000, fiscal year 1973—\$5,000,000.

² October 1971—August 1972.

³ Does not include repeat feeds within week.

MEMORANDUM

JULY 20, 1973.

Re: Fact Sheet on H.R. 8538

This memorandum attempts to analyze CPB funding and PBS distribution of minority programming for the years 1972 and 1973. Though the conclusion in the Fact Sheet that public television should do more programming directed at minorities is undeniable, the dimensions of present efforts is severely understated and therefore incorrect.

In the "Background" section, it is unclear whether "1972" refers to an annual, fiscal year (July to June) or the television year (fall through summer).

Attachment A details PBS distributed programming which is targeted to or is about blacks and other minorities. It concerns programming distributed during the 1971-72 television season or the fall of 1971 through the summer of 1972.

PBS distributed during this period 101 hours of adult programming targeted to minority audiences out of a total of 902 hours or approximately 11% of total hours distributed.

We have been unable to calculate similar figures for the 1972-73 television season because it is not yet complete but the accurate data is available on programming distributed in fiscal year 1973 which begins during the summer of 1972 through the spring of 1973. There is, therefore, a three month overlap with Attachment A and the above noted hours but it similarly takes into account a full year of programming.

During this period, PBS distributed 138 hours of minority programming in prime time out of 828 total evening hours of 16.7%. This represents, therefore, a 52% increase over the previous year.

However, even these figures are somewhat misleading since they ignore children's programming which includes "Sesame Street" and "Electric Company." Both these programs are aimed to the low income urban child in general without regard to race.

However, the target audience is undeniably and principally black. In a recent study by Daniel Yankelovich, Inc., of viewership in New York's East Harlem and Bedford Stuyvesant and in poverty areas of Chicago and Washington, D.C., in which out of 1,217 households interviewed, 99% were black or Spanish-speaking, viewership has increased steadily since 1970. The survey reported that:

"In all categories the results were favorable. . . . Indeed, on the basis of other similar studies, we might well by now have anticipated a leveling off or decline in SESAME STREET viewing. Instead, the program has become virtually an institution with ghetto children."

What follows is a summary of the Yankelovich survey of "Sesame Street" penetration with comparison of results from past studies:

| | [In percent] | | |
|-------------------------|--------------|------|------|
| | 1973 | 1971 | 1970 |
| Bedford Stuyvesant..... | 92 | 77 | 90 |
| East Harlem..... | 94 | 86 | 78 |
| Chicago..... | 97 | 95 | 88 |
| Washington, D.C..... | 67 | 59 | 32 |

These two programs represent 28% of total hours distributed in the 1972 season (396 out of 1431.5). Thus, out of the total number of hours distributed—1431.5—497 or 35% are either targeted directly to minorities or have minority children as a principal target.

In fiscal year 1972 e.g. July 1, 1971 to June 30, 1972, CPB direct expenditures for minority targeted programming was \$489,000, \$382,000 of this figure was for "Black Journal and Soul." It should be noted, however, that programs of specific interest to minorities occur in the context of other series which are funded by CPB such as "This Week," "Thirty Minutes With," "Firing Line," "Special of the Week," "NET Playhouse Biography," and other series targeted to a general audience. While we have not been able to allocate CPB expenditure on these programs to the previously stated total, the total figure for FY 1972 would undoubtedly bring it up to the \$650,000 stated in the Fact Sheet.

A principal fault of the charge that CPB

spends only 2% for minority programming is that almost two-thirds of CPB's 35 million appropriation in FY 1972 is devoted to interconnection, administration, operating grants to local stations and special research and training projects. The actual program budget for national programming was \$12.7 million in that year. Assuming that \$650,000 appropriates expenditures by CPB for minority programming, the appropriate percentage should be 5.18%. Again, however, this percentage ignores entirely "Sesame Street" and "Electric Company" which received \$2 million from CPB. A more accurate figure, therefore, is 20.8%.

In FY 1973, CPB made grants from minority targeted programs, program series and programs within series targeted to general audiences of approximately \$1,150,000 with children's programs excluded or 7.8%.* This compares to 5.1% the previous year, a 53% improvement. Including "Sesame Street" and "Electric Company" (\$5 million) the percentage becomes 41.8%.

For FY 1974, CPB has allocated \$825,000 of a national program budget of \$13,000,000 to prime time minority targeted programming. This figure will surpass \$1,000,000 when minority programs in general audience programming is included. In addition, CPB will again allocate \$5,000,000 to "Sesame Street" and "Electric Company." Therefore, the percentage for FY 1974 will undoubtedly exceed 45%. In addition, substantial funds will go directly to local stations as unrestricted grants most of which will be used for local programs. Some of these will be distributed nationally by PBS. Many of these local programs will be minority targeted as in the past. Attachment B reflects examples of minority targeted local programming in FY 1973.

We believe, therefore, that the conclusions reached in the Fact Sheet are inaccurate or misleading. For example:

1. The percentage of CPB funds spend on minority programming in 1972 is not 2% but 20.8%.

2. "Black Journal" and Soul were not the only "Black Network programs" as Attachment A shows. "Black Journal's" funding for FY 1974 is at \$345,000, the same level as FY 1973. Soul's funding has been reduced from \$290,000 to \$175,000. "Interface," to be produced by WETA, is budgeted at \$305,000.

*The figure \$1,150,000 includes:

| | |
|---|-----------|
| "Soul" and "Black Journal"..... | \$635,000 |
| For minority targeted specials and other series, e.g., "Teletemas"..... | 247,000 |
| For targeted programs in general audience programming..... | 268,000 |

Total \$1,150,000

3. There is no longer a line item in the CPB budget for programming for the elderly. It is hoped that this gap will be filled with private corporate and foundation funds. \$70,000 has been allocated to a women's program to be produced in Dallas.

4. National programming for other ethnic minorities is a major gap in nationally distributed programming as Attachment A notes, however, PBS distributed 5 hours of programming devoted to Spanish-speaking and native Americans, some of which was CPB funded. CPB did allocate \$20,000 to WNET in New York for "Realidades," directed at the Puerto Rican community. There is considerable local programming in this area.

5. A 1971 Harris survey found that in areas where PTV stations existed 37% of whites viewed public television "last week", while 52% of blacks viewed "last week". More recent studies, in New York, Dallas and Jacksonville, Florida confirm that black viewing of PTV programming is either slightly higher or no lower than viewing by whites.

6. While public television must continue to improve in its overall service to minorities, it is not correct that "programming to educate, uplift, and entertain minorities... does not exist in any meaningful way on public television."

7. Through CPB production grants and/or local station grants, 60 PTV stations contributed programming for PBS national distribution, up from 27 in FY 1971 and 42 in FY 1972. The major share of production grants from CPB continue to go to large producing stations for the principle reason that only they are equipped at this time to produce the high-quality programming needed by the local stations and their audiences. Diversification of program production will continue to be difficult so long as CPB funding is retained at present starvation levels.

PBS PROGRAMING TARGETED AT MINORITY GROUP AUDIENCES OR ABOUT MINORITY GROUPS

OCTOBER 3, 1971-AUGUST 18, 1972

I. Programming for and about blacks

A. "Black Journal": During the 1971-1972 season, 35 half-hour shows in the "Black Journal" series were transmitted, as well as a "Black Journal" special, "Is It Too Late?" which was aired twice. Some of the guests on the programs include Imam Amiri Baraka, Roy Innis, Angela Davis, Kareem Abdul Jabbar, and Melvin Van Peebles. Others participating on the series were black journalists, politicians, policemen, lawyers, and artists. "Black Journal" provided programs on the National Black Political Convention, African Liberation Day, and on the life and accomplishments of Malcolm X, Frederick Douglass, and Martin Luther King, Jr. Total hours on air, 20½ hrs.

B. "Soul!": The "Soul!" series featured black artists, musicians, poets, playwrights, and other performers. Guests included Nikki Giovanni, James Baldwin, Sidney Poitier, Harry Belafonte, Betty Shabazz, Miriam Makeba, and the Rev. Jesse Jackson. Total hours on air, 44 hrs.

C. Other public affair programs (series and specials):

"Firing Line" No. 19, "Is America Hospitable to the Negro?"—the Rev. Jesse Jackson and William Buckley (10/3/71)

"Great American Dream Machine" No. 25 (12/8/71)

"This Week" No. 17 "But Not My Kids"—busing in Richmond, Virginia (1/26/72)

"A Public Affair/Election '72" No. 4, "Assessment: The New Black Power"—Rep. William Clay (D-Mo.) discussed black political strength with a panel of newsmen (2/23/72)

"This Week" No. 21 and No. 22, "Busing: The Politics and the Reality"—busing in McKeesport, Pennsylvania and Tampa, Florida. (2/23/72 and 3/1/72)

"The Busing Issue"—the President's speech on busing followed by a panel discussion including Roy Innis, Ruby Martin, and Paul Delaney (3/16/72)

National Black Political Convention (3/17/72)

"Advocates" No. 97 "Should There Be a Constitutional Amendment Prohibiting Busing?"—witnesses included Leon Panetta and Solomon Goodrich (3/21/72)

"Thirty Minutes with" No. 56—Mayor Richard Hatcher (4/6/72)

"Thirty Minutes with" No. 59—Rep. Shirley Chisholm (4/27/72)

"Wall Street Week" No. 30 "New Members in the Club"—black stockbrokers Willie Daniels and Travers Bell (5/12/72)

"Ron Dellums: A Test of Coalition Politics" (8/8/72) Total hours on air, 9½ hrs.

D. Cultural and dramatic programs (series and specials):

"Bird of the Iron Feather" (10/4/71—12/13/71)

"Hollywood Television Theatre" No. 7 "Neighbors" (11/18/71, 8/17/72)

"Net Playhouse Biography" No. 1 "To Be Young, Gifted, and Black"—biography of Lorraine Hansberry (1/20/72)

"Bill Cosby on Prejudice"—Cosby mocks bigots by imitating their ethnic slurs (2/21/72)

"Special of the Week" No. 28 "Sonny Brown and the Fallen Sparrows"—composer-musician Brown talks of his life in and out of prison. (4/10/72)

"Special of the Week" No. 38 "The Black Composers"—the work of four black composers of "serious" music (6/19/72)

"Special of the Week" #40 "You've Got a Friend—Roberta Flack" (7/3/72)

"Book Beat" #682 Garvey: True Story of A Pioneer Black Nationalist—author Elton Fax discusses his biography of Garvey (7/3/72)

"Doin' It"—music and poetry as expressions of the black experience (7/4/72—8/1/72)

"Jazz Set"—series of jazz concerts spanning the entire jazz spectrum (7/6/71—8/17/72)

"Evening at Pops" "Roberta Flack" (7/18/72, 7/23/72) Total hours on air, 18½ hrs.

E. Segments of programs:

"Great American Dream Machine" #16, "Mafundi"—a center for black artists and actors (11/6/71)

"Great American Dream Machine" #22, Interview with Belafonte, Poitier (1/26/72)

"World Press" #158—reaction to Angela Davis trial, acquittal (6/8/72) Total hours on air—approx. 40 minutes

II. PROGRAMING FOR AND ABOUT OTHER ETHNIC MINORITIES

A. Spanish-speaking:

"Soul!" #44—Puerto Rican poet and political activist Felipe Luciano (10/13/71)

"Yo Soy Chicano"—an historical and contemporary look at the Mexican-American people (8/11/72)

"This Exile—This Stranger"—the Cuban exiles in Florida (8/15/72)

"America Tropical"—attempts to restore a revolutionary Mexican-American mural in Los Angeles (8/16/72) Total hours on air, 3 hrs.

B. Native Americans:

"Firing Line" #34, "Who Owns America?"—former Secretary of the Interior Walter Hickel briefly discusses Alaskan and Indian land claims (1/16/72)

"Great American Dream Machine" #33—segment on the new political awareness and activism of native Hawaiians (2/2/72)

"Black Coal, Red Power"—a documentary about the exploitation of coal on the Navajo and Hopi Indian lands in Arizona (5/22/72). Total hours on air, 2 hrs.

III. OTHER PROGRAMS DEALING WITH MINORITY ACCESS TO POLITICAL POWER

"This Week" #36, "Convention '72: The Democrats Try Democracy"—black and Chicano involvements in the Democratic National Convention (6/7/72)

"This Week" #37, "Texas Politics at the Alamo"—new black and Chicano political strength in Texas (6/14/72) Total hours on air, 1 hr.

ATTACHMENT B: MINORITY AFFAIRS

"Unganika," the Swahili word for unite and the title of a series produced by WXXI-TV Rochester, New York, is designed to focus on the cultural, environmental and social issues of concern to the Black community of Rochester.

WTVI Charlotte, North Carolina produced a film on racial conflict in the schools. "Someone Has to Listen" presents a mythical school and follows students dealing with school officials and the community to solve difficulties.

Black American authors' experience in literature from the 1700's to the present is ex-

plored in a series called "Ebony Harvest" produced by WETA-FM Washington, D.C.

"Carrascalendas," a bilingual program designed for Mexican-American children by KLRN-TV San Antonio and Austin, Texas uses Spanish as a native language and English as a second. It is designed to establish a positive self-identity and self-concept in the Mexican-American child.

Through a CPB Community Support Grant KTSC-TV Pueblo, Colorado produces "La Vida de Nosotros" which features local entertainers and provides information of interest to the Chicano citizens.

Sickle Cell Anemia, a hereditary blood disease found almost exclusively in Black people, is an example of the topics discussed on "Sketches in Black", a production of WSKG-TV Binghamton, New York.

Through a grant WBGU Bowling Green, Ohio will produce a series of programs directed toward inner city residents in Ohio. Programs will dramatize three families, Mexican-American, Black and white, to show how they deal with problems like child care, personal self-esteem, consumerism, and family and community relationships.

WVIA Scranton-Wilkes-Barre, has activated a minority training program and enrolled two university students. The program offers over 1,000 hours' experience in all areas of television and radio production at WVIA; these are also enrolled in the broadcasting curriculum at the Wilkes-Barre campus of Penn State University. The program was made possible by a grant from the Pennsylvania Public TV Network and local funds.

WETA-TV Washington, D.C. produces an informative and entertaining program in Spanish called "Media Hora" for the area's Spanish speaking viewers.

"Realidades", a show aimed toward the interests of the Puerto Rican community is produced by WNET New York, New York.

KTDB-FM, the Ramah Navajo Radio station in northwestern New Mexico is more than just another non-commercial radio station. For 1500 Navajo Indians it's the newspaper, telephone, and a kind of community center where everyone can take an active part in the station's programs.

COMMENTS REGARDING BLACK AND OTHER MINORITY PARTICIPATION IN PUBLIC BROADCASTING

[July 19, 1973]

ADMINISTRATION

Regarding Boards of Directors of public stations, the majority of PTV stations are licensed to public agencies: state universities (50), public school districts (20), and special agencies established by the state to administer PTV stations (17). The other category of licensee authority is the group called community stations (54), which establish non-profit corporations for the purpose of operating a PTV station. The first categories of public agency licensees have trustees designated by the state or agency according to particular statutes. Some are elected state university regents, where the university is the licensee, or elected school board members, or appointees of the state governor, as in a state commission. Thus the composition of the Board is a matter of statute. The community stations also have many diverse methods of selecting board members. Some have station contributing members elect Directors, others are designated ex officio from the local institutions, e.g. colleges, community groups, still others are derived from board selections. In each case, it is certainly the intent of the PTV licensing procedure that the board be responsible for the operation of the PTV station, and responsive to its own community as effectively as possible.

Regarding particular stations cited as having no minority board members, we find that in fact these listed stations do have

minority board members: KETC, St. Louis, WITW, Charleston, part of the South Carolina ETV Network, and WUNF, Asheville, North Carolina, part of the North Carolina ETV Network.

EMPLOYMENT

While minority employment has not been as large as desired, neither is it presently just "token." In 1972, the FCC reported a total of 666 minority PTV station staff members of a total employed in the stations of 6917, for a percentage of 9.6%. While the per cent figures have declined from 1970, the numbers of minority persons have actually increased, but not as rapidly as total employment in the industry. In 1969, there were 512 minority persons of an industry total of 5,331. In 1970, 646 of 5,447, and in 1971, 539 of 6,744.

We do not know the reasons for this relative decline, but we are aware that industry expansion at least in new stations has taken place in a number of areas of very low minority population. And we are frequently now hearing the complaint from station managers that commercial stations are taking their minority personnel as soon as they have become more experienced. Whatever the reasons, we believe stations are aware of their responsibilities in these areas and that they are attempting to increase minority participation.

The above figures include only stations, and not related agencies such as the Children's Television Workshop, producer of Sesame Street and Electric Company, which figures, if included, would certainly increase the numbers of minority persons in public TV.

MINORITY EMPLOYMENT PRACTICES OF PUBLIC TELEVISION STATIONS, OCTOBER 1972

Results of the second annual employment survey conducted by the Federal Communications Commission. Compiled by the National Association of Educational Broadcasters, Office of Minority Affairs.

PUBLIC TELEVISION STATIONS RESPONDING TO FCC ANNUAL EMPLOYMENT REPORT

Alabama—Education T.V. Commission, Birmingham.

Arizona—KAET, Phoenix and KUAT, Tucson.

Arkansas—KETC, Conway.

California—KEET, Eureka; KCET, Los Angeles; KIXE, Redding; KVIE, Sacramento; KVCR, San Bernardino; KPBS, San Diego; KQED, San Francisco; KTEH, San Jose; and KCSM, San Mateo.

Colorado—KRMA, Denver and KTSC, Pueblo.

Connecticut—Conn. Educational Television Corp., Hartford.

Delaware—WHYY, Wilmington.

District of Columbia—WETA, Washington.

Florida—WUFT, Gainesville; WJCT, Jacksonville; WPBT, Miami; WTHS, Miami; WMFE, Orlando; WSRP, Pensacola; WFSU, Tallahassee; WEDU, Tampa; and WUSF, Tampa.

Georgia—WGTV, Athens; WETV, Atlanta; and Ga. State Board of Ed., Atlanta.

Hawaii—Hawaii E.T.V. Network, Honolulu.

Idaho—KUID, Moscow.

Illinois—WSIU, Carbondale; Chicago E.T.V. Assoc.; WUSI, Olney; and *WILL, Urbana.

Indiana—WTTU, Bloomington; WNIN, Evansville; WFYI, Indianapolis; WCAE, St. John; and WVUT, Vincennes.

Iowa—KDIN, Des Moines and KIIN, Iowa City.

Kansas—KTWU, Topeka and KPTS, Wichita.

Kentucky—Kentucky Authority for Ed. T.V., Lexington and WKPC, Louisville.

*Not found in F.C.C. or provided by the licensee.

Louisiana—WYES, New Orleans.
Maine—WCBB, Augusta; WMED, Calais; WMEB, Orono; and WMEM, Presque Isle.
Maryland—Maryland Public Broadcasting Commission.

Massachusetts—WGBH Ed. Foundation, Boston.

Michigan—WTVS, Detroit; WMSB, East Lansing; WNMR, Marquette; WCMU, Mt. Pleasant; and WUCM, University Center.

Minnesota—Twin City Ed. T.V. Corp. and WDSE, Duluth.

Mississippi—WMAA, Jackson.

Missouri—KOSD, Kansas City and KETC, St. Louis.

Nebraska—KTNE, Alliance; KMNE, Bassett; KHNE, Hastings; KLNE, Lexington; KUON, Lincoln; KRNE, Merriman; KXNE, Norfolk; KPNE, North Platte; and KYNE, Omaha.

Nevada—KLTV, Las Vegas.

New Hampshire—WENH, Durham.

New Jersey—WNJT, Trenton.

New Mexico—KNME, Albuquerque.

New York—WSKG, Binghamton; WNED, Buffalo; WLIW, Garden City; WNET, New York; WNYC, New York; WNYE, New York; WXXI, Rochester; WMHT, Schenectady; WCNV, Syracuse; and WNPE, Watertown.

North Carolina—University of North Carolina Ed. T.V. and WTVI, Charlotte.

North Dakota—KFME, Fargo.

Ohio—WQUB, Athens; WBGU, Bowling Green; WCET, Cincinnati; WVIZ, Cleveland; WOSU, Columbus; WGSF, Newark; WMUB, Oxford; and WGTE, Toledo.

Oklahoma—Oklahoma Ed. T.V. Authority, Norman and KOKH, Oklahoma City.

Oregon—KOAC, Corvallis and KOAP, Portland.

Pennsylvania—Metropolitan Pittsburgh; Public Broadcasting; WLVT, Allentown; WPSX, Clearfield; WQLN, Erie; WITF, Hershey; WUHY, Philadelphia; and WVIA, Scranton.

Rhode Island—WSBE, Providence.

South Carolina—S.C.E.T.V. Commission.

South Dakota—KESD, Brookings and S.D.E.T.V. Board.

Tennessee—WTOI, Chattanooga; WLIT, Lexington; WKNO, Memphis; WDCN, Nashville; and WSIK, Knoxville, Sneedville.

Texas—KLRN, Austin-San Antonio; KAMU, College Station; KERA, Dallas; KUTH, Houston; KNCT, Killeen; and KTXT, Lubbock.

Utah—KOET, Ogden; KBYU, Provo; and KUED, Salt Lake City.

Vermont—Univ. of Vt. & State Agricultural College.

Virginia—Blue Ridge E.T.V. Assoc.; Central Va. E.T.V. Corp.; WVPT, Harrisonburg; and WHRO, Norfolk.

Washington—KPEC, Lakewood Center; KWSU, Pullman; KCTS, Seattle; KSPS, Spokane; KTPS, Tacoma; and KYVE, Yakima.

West Virginia—WSWP, Beckley; WMUL, Milton; and WVWU, Morgantown.

Wisconsin—WHA, Madison; WMVS, Milwaukee; and WMVT, Milwaukee.

Guam—KGTF, Agana.

Puerto Rico—WIPR, San Juan and WIPM, Mayaguez.

ADDITIONAL STATIONS RESPONDING IN 1973 REPORT

Idaho—KAID, Boise and KBGL, Pocatello.

Illinois—WTFV, Peoria.

Indiana—WIPB, Muncie.

Michigan—WGVC, Grand Rapids.

STATIONS MISSING FROM THIS REPORT

California—KCVR, San Bernardino.

Illinois—WILL, Urbana.

New York—WNYC, New York City.

South Dakota—KBHE, Rapid City; KDSD, Aberdeen; and KTSD, Pierre.

Texas—KAMU, College Station.

Utah—KOET—KWCS, Ogden.

SECTION III—FULL-TIME EMPLOYEES (APPLICABLE TO ALL RESPONDENTS)

| Job categories ¹ | All employees ² | | Minority group employees | | | | | | | | |
|---|----------------------------|-------|--------------------------|-------|----------|------------------------------|---------------------------|--------|----------|-----------------|---------------------------|
| | Total (col. 2+3) | Male | Female | Male | | | | Female | | | |
| | | | | Negro | Oriental | American Indian ³ | Spanish-surnamed American | Negro | Oriental | American Indian | Spanish-surnamed American |
| | | | | | | | | | | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | |
| Officials and managers..... | 782 | 661 | 121 | 10 | 3 | 2 | 1 | 8 | | | 1 |
| Professionals..... | 1,573 | 1,151 | 422 | 51 | 1 | 4 | 22 | 30 | 4 | 2 | 7 |
| Technicians..... | 1,598 | 1,533 | 65 | 84 | 9 | 8 | 20 | 7 | 1 | 1 | 1 |
| Sales workers..... | 2 | 2 | | | | | | | | | |
| Office and clerical..... | 982 | 110 | 872 | 15 | | | 10 | 72 | 9 | | 13 |
| Craftsmen (skilled)..... | 264 | 232 | 32 | 28 | 2 | 2 | 4 | 4 | | | 3 |
| Operatives (semi-skilled)..... | 88 | 83 | 5 | 14 | | 1 | 1 | 1 | | | |
| Laborers (unskilled)..... | 22 | 20 | 2 | 6 | | | | | | | |
| Service workers..... | 63 | 56 | 7 | 24 | | | 3 | 5 | | | |
| Total..... | 5,374 | 3,848 | 1,526 | 232 | 15 | 17 | 61 | 127 | 14 | 3 | 25 |
| Total employment from previous report (if any)..... | 5,235 | 3,799 | 1,436 | 199 | 21 | 14 | 43 | 84 | 9 | 4 | 13 |

SECTION IV—PART-TIME PAID EMPLOYEES (APPLICABLE TO ALL RESPONDENTS)

| | | | | | | | | | | | |
|--|-------|-------|-------|-----|----|----|----|-----|----|---|----|
| Officials and managers | 22 | 18 | 4 | 1 | | | | | | | |
| Professionals | 247 | 177 | 70 | 8 | 1 | | 8 | 4 | | | 6 |
| Technicians | 455 | 412 | 43 | 14 | 2 | 1 | 9 | 2 | | | 2 |
| Sales workers | | | | | | | | | | | |
| Office and clerical | 267 | 76 | 191 | 8 | | | | | | | |
| Craftsmen (skilled) | 142 | 125 | 17 | 3 | 1 | | 1 | 6 | 3 | | |
| Operatives (semi-skilled) | 279 | 235 | 44 | 26 | 7 | 1 | 4 | 1 | | | 2 |
| Laborers (unskilled) | 90 | 69 | 21 | 2 | 9 | | 5 | 6 | 2 | | |
| Service workers | 41 | 36 | 5 | 7 | | | 4 | 1 | 5 | | 1 |
| Total | 1,543 | 1,148 | 395 | 69 | 26 | 2 | 33 | 21 | 10 | | 11 |
| Total employment from previous report (if any) | 1,509 | 1,121 | 388 | 59 | 23 | 2 | 22 | 20 | 11 | | 13 |
| Total for 1971 | 6,744 | 4,920 | 1,824 | 158 | 44 | 16 | 65 | 104 | 20 | 4 | 26 |
| Total for 1972 | 6,917 | 4,996 | 1,921 | 301 | 41 | 19 | 94 | 148 | 25 | 3 | 36 |

¹ Refer to instructions for explanation of all title functions.² Include "Minority group employees" and others. See instruction 6.³ In Alaska, include Eskimos and Aleuts with "American Indian."

FULL AND PART-TIME EMPLOYMENT IN PUBLIC TELEVISION STATIONS—MALE AND FEMALE

| Job categories | 1971 total em- ployees | 1971 minor- ity em- ployees | 1972 total em- ployees | 1972 minor- ity em- ployees |
|---------------------------|---------------------------------|---|---------------------------------|---|
| Officials and managers | 754 | 14 | 804 | 26 |
| Professionals | 1,739 | 119 | 1,820 | 148 |
| Technicians | 2,054 | 152 | 2,053 | 161 |
| Sales workers | 6 | 0 | 2 | 0 |
| Office and clerical | 1,206 | 100 | 1,249 | 138 |
| Craftsmen (skilled) | 362 | 46 | 406 | 60 |
| Operatives (semi-skilled) | 431 | 37 | 367 | 63 |
| Laborers (unskilled) | 125 | 32 | 112 | 25 |
| Service workers | 67 | 39 | 104 | 45 |
| Total | 6,744 | 539 | 6,917 | 666 |

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

MINORITY AFFAIRS—OCTOBER 1972

The fifth annual NAEB report on minority employment in public television stations in the United States shows marked increases in minority employment over last year's report while the percentage of minority employees continues to be below the 12.1% figure for 1970.

The NAEB 1972 report is based upon data secured from the reports to the Federal Communications Commission on their Form 395, Annual Employment Report, submitted May 31, 1972 by the public television licensees.

Statistics reflecting employment in public radio stations are unobtainable because most of the licensees employ less than five individuals and they are not required to file numbers.

This report shows 666 full and part-time minority employees in the total workforce that numbers 6,917. The percentage now is

9.62 as contrasted to 7.9% in 1971 and 12.1 in 1970.

Women are shown to represent 27.77 percent of the workforce in public television stations. There are 1,921 full and part-time female employees out of the 6,917 total positions held.

Dramatic increases of minority employees appear in the ranks of officials and managers, going from 14 to 26 in 1972; professionals increased from 119 to 148; office and clerical 100 to 138; craftsmen up from 46 to 60 and operatives now at 63 from 37 in 1971. There is a slight decrease in laborers, the number dropping to 25 from 32. See the comparison tables for both years.

We must reiterate that in our opinion the FCC's classification is a poor one that makes it impossible to determine how minority people and women are being employed or what kind of movement is taking place for them.

For instance, it is of little value to know that there are 26 minority employees shown as managers and officials unless it is indicated that they are station managers, program directors, Business Affairs Directors or one of the many department directors who "set broad policy, exercise over-all responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations."

If anyone is to be able to make meaningful judgments there must be more specificity. In our view, the FCC should adopt something of the classification system used previously by the NAEB which can be used for the commercial licensees as well.

It was unusually difficult to obtain the information this year. Quite a number of the public television licensees neglected, and in one instance refused, to send copies of their FCC 395 report to the Office of Minority Affairs after various requests had been made in NAEB publications and communications

to them, before and subsequent to the filing date.

Within the FCC itself, the difficulty was compounded. This year, the FCC was engaged in preparing the 1971 and 1972 data for computerization while providing the United Church of Christ with the same data for all licensees under a contract. Consequently, we were unable to obtain the 395's we needed from the FCC until October. A great deal of assistance was provided through the office of Commissioner Benjamin Hooks and we are grateful to him.

Still there are nine public television stations missing from this report because the 395's could not be found in the FCC by the time this report was compiled.

Therefore, there are gaps in this report that preclude accurate comparisons with previous reports. But, it is crucial to be aware that reports from 96% of the public television entities serving the American public indicate that the licensed system had only 666 minority employees, representing 9.62% of the entire reported workforce of 6,917 individuals.

LIONEL J. MONAGAS,
Director.

WETA

WETA reports present minority staff employment, including a number of supervisory employees, stands at approximately 16% blacks and other minorities of a staff of approximately 100.

WETA's Board of Directors currently includes eight black and other minority members of a Board of 34 total, for a percentage of 23.5%.

CHALMERS MARQUIS.

July 19, 1973.

Mr. BROWN of Michigan. Mr. Chairman, I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. I thank the gentleman for yielding.

Mr. Chairman, I also join in support of this legislation, and I commend the chairman of the subcommittee and the committee.

(Mr. DELLENBACK asked and was given permission to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Chairman, I rise in support of the bill H.R. 8538, authorizing funds for the Corporation for Public Broadcasting, and commend the committee for its achievement in putting together this legislation. I hope it will pass with overwhelming support today.

May I repeat at this time what I have stated on a number of occasions before committees and on the floor of the House. I own a minority stock interest in a corporation which is engaged in broadcasting, being the licensee of a television station and three radio stations.

I do not believe my vote on the bill before us today is in any way influenced by this fact. But, as a believer in and advocate of full disclosure, in fairness, I disclose once again the fact of this ownership.

Mr. BROWN of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. MARTIN).

(Mr. MARTIN of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Chairman, I have come down here to support the bill H.R. 8538. I also want to express my concern for a number of incidents where it appears that there has been unfair competition between a few noncommercial stations and their commercial neighbors, whereby the noncommercial stations underbid and obtained contracts in unfair competition with the commercial stations. This point was raised by the gentleman from Ohio (Mr. DEVINE). I should like to pursue this for just a few moments.

Mr. Chairman, the cases that have been presented are admittedly at this point few and scattered. They are not now any overwhelming pattern, but they are now matters of precedent and, therefore, sound an alarm for the future. My concern then, Mr. Chairman, is that as public broadcasting expands as this bill contemplates, will we let this tendency continue and increase, or will we ask that it stop? I note that it was also the concern of the committee, as read from page 12 of the committee report, and I quote:

Your Committee has noted with some dismay the allegation that public television stations are competing with privately financed commercial broadcasters for commercial business. Certainly, public broadcasting facilities grants should not be permitted to foster this practice.

Let me note that it is the concern of the Office of Education of the Department of Health, Education, and Welfare. I cite a memorandum to all of the educational television licensees by Mr. Stuart Hallock, the Acting Director of Educational Broadcasting Facilities Program—EBFP.

Noncommercial educational stations who have received Federal money for facilities have signed an assurance required by the Public Broadcasting Act (Section 392(a)(4))

that federally supported broadcasting facilities will be used only for educational purposes. No mobile units or other facilities containing equipment purchased with the aid of Federal Funds under the Educational Broadcasting Facilities Program may be made available at any time or under any circumstances for use for commercial purposes, even if the commercial interest pays for the use through gifts, lease charges, or support money which is used to support the noncommercial operation. If any item purchased with the aid of EBFP funds is used by commercial interests for any commercial purpose within ten years after the date when the project was completed, the grant will be revoked and the Federal share must be paid back to the U.S. Treasury.

Mr. Chairman, both of these particular statements, just read, deal specifically with those stations which receive facilities grants.

I would at this point for clarification seek to put to the gentleman from Massachusetts, the distinguished chairman of the subcommittee, just a couple of questions for the purpose of clarifying the force and effect which this legislative history will have on enforcing the intent of the committee and the intent of Congress.

Mr. MACDONALD. Mr. Chairman, if the gentleman will yield.

Mr. MARTIN of North Carolina. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. I will point out to the gentleman he is correct. It has been called to the attention of the subcommittee, and it is a subject of concern. We took it up with the Department of Health, Education, and Welfare, as the gentleman knows, at his request, and we got back as strong a memorandum as I think is possible for any bureaucrat to write, which I will just read the last line of, which ought to solve this problem for the future. The last line reads:

If any item purchased with the aid of educational broadcasting funds is used by commercial interests for any commercial purpose within 10 years after the date when the project was completed, the grant will be revoked, and the Federal share must be paid back to the U.S. Treasury by the station that used that publicly-funded facility for commercial purposes.

Mr. MARTIN of North Carolina. I thank the gentleman.

I should like to proceed with one additional concern which I have, which is of a slightly different nature. I should like to continue in a rather hypothetical way with the point, without getting into any one particular case. It has been alleged that there is an educational television affiliate which is engaged in the duplicating of videotape, and which frequently underbids its commercial competition. This particular company does not receive Federal dollars and, therefore, is not subject to the requirement that the gentleman just read. The question is: How is it funded? As I understand, it receives charitable donations from the general public and it also receives some contributions from public broadcasters, perhaps some of whom in turn have received Federal money.

The point is that it appears to me that here are stations which are receiving Federal dollars and are, therefore, not

permitted to underbid in unfair competition, but who are also receiving charitable donations; who are then able to shift those charitable donations to create and support a new entity which then does compete with commercial stations.

It seems to me that this is a principle to which we must object. I would ask whether it is the intent of the committee to permit this kind of practice or to seek to discourage it?

Mr. MACDONALD. The gentleman's point is well taken. I would state for the committee that it is the intent of the committee to see that no unfair advantage is taken in any material way by those receiving public funding, direct or indirect, so as to put them in competition with private enterprise.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska (Mr. MARTIN).

(Mr. MARTIN of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. MARTIN of Nebraska. Mr. Chairman, I had intended this afternoon to offer an amendment to the Public Broadcasting Act which would have clarified the role of the GAO in auditing the operations of the Public Broadcasting Corporation. This came about and was called to my attention in testimony by Mr. Elmer B. Staats, the Comptroller General, before our Select Committee on Committees, of which I am the vice chairman, along with the gentleman from Missouri (Mr. BOLLING), the chairman of the committee. Mr. Staats made the following statement in his testimony before our committee last month:

There is another area in which GAO needs strengthening if it is to make a maximum contribution to assisting the Congress in its oversight work. This area is access to records of the Executive agencies.

We generally have had good cooperation in obtaining access to records of the executive departments. Over the years most of our problems have been with (a) the Federal Deposit Insurance Corporation, (b) the Department of State and the Department of Defense in those areas which involve our relations with foreign countries, and (c) certain activities of the Treasury Department. In addition to these which persist, we have recently had problems with the Emergency Loan Guarantee Board and the Corporation for Public Broadcasting.

This brought about a colloquy between Mr. Staats and your present speaker in regard to General Accounting Office's responsibility concerning auditing the Public Broadcasting Corporation. There was a difference of opinions as to legal interpretations as to how far General Accounting should go in their audit. In the interest of time however, Mr. Chairman, under permission which I will obtain, I will include these letters from the Comptroller General of the United States written to me on July 3 and July 18.

The letters I have referred to follow:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., July 3, 1973.

HON. DAVE T. MARTIN,
House of Representatives.

DEAR DAVE: By letter dated June 22, 1973, we forwarded language for a proposed amendment to the Public Broadcasting Act which would clarify GAO's right of access to the records of the Corporation for Public

Broadcasting. The access-to-records language now in the Act is similar to the language contained in the legislation for many quasi-governmental entities. This reads as follows:

"The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operation may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States." (Italic supplied.) Subsec. 1(2)(A), 47 U.S.C. 396.

The rules and regulations covering these corporations provide that:

"The primary purpose of audits by the General Accounting Office is to make for the Congress independent examinations into the manner in which Government [corporations] discharge their financial responsibilities. Financial responsibilities . . . include the administration of funds and the utilization of property and personnel only for authorized programs, activities, or purposes, and the conduct of programs or activities in an effective, efficient, and economical manner. Particular emphasis is placed on any aspects suspected or found to require correction or improvement and on the means of accomplishing it."

A more complete text of the purposes, responsibilities, and objectives of these audits under the Comptroller General's regulations is included as an attachment. Our proposed audits of the Corporation have been within the scope which applies to all other Government corporations. However, because of the Corporation's interpretation of this language, it is necessary to clarify our audit responsibility in this area.

Reference is sometimes made to House Report 90-572, which accompanied the House version of the Public Broadcasting Act of 1967 in support of the argument that the Congress did not intend for the GAO to go beyond a certification as to the accuracy of the agency's financial statements. That language is as follows:

"The bill requires an annual audit of the accounts of the Corporation by independent public accountants, and authorizes the Comptroller General of the United States to audit and examine the Corporation's records. . . . The authority of the Comptroller General is limited to the fiscal years during which Federal funds are available to finance the Corporation's operations. . . ."

"Provision for a GAO audit was not originally included in H.R. 6736 because it was felt that such audits carry with them the power of the Comptroller General to settle and adjust the books being examined and that this authority would be contrary to the desired insulation of the Corporation from Government control. The Committee is also sensitive to the importance of having the Corporation free from Government control. However, the bill does not provide authority for the settlement of accounts. . . ."

The Government Corporation Control Act and subsequent legislation establishing Government corporations provide that the GAO does not have authority to settle agency accounts; that is to say, it does not have authority to take exception to (prohibit) improper payments made by the agency. This is true of all Government corporations and therefore no particular significance can be read into the fact that the GAO does not have authority to settle such accounts for the Corporation for Public Broadcasting.

The more important point is that GAO does have authority to and does make audits or reviews of the economy and efficiency aspects of such Government corporations.

We believe that it is desirable for the Congress to have independent information as to needed improvements in the management operations and activities administered by the

Corporation for Public Broadcasting, as long as Federal funds make up a substantial portion of the Corporation's revenues.

We recognize, however, that the Corporation must remain as free as possible from Government interference in its dealings with non-governmental organizations and particularly in policy matters relating to the selection, content, and scheduling of programs for public broadcasting. In light of the concern that GAO would become involved in these matters, I wish to state unequivocally that it will not become so involved. If you believe it would be helpful in emphasizing this point, I would have no objection to inserting the word "management" before "operations" in the draft language—a revised copy of which is attached for ready reference.

We greatly appreciate your interest in this matter.

Sincerely yours,

ELMER B. STAATS,
Comptroller General
of the United States.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., July 18, 1973.

The Honorable DAVE T. MARTIN,
House of Representatives.

DEAR DAVE: This will supplement my letter to you of July 3 in which I suggested an amendment to the Public Broadcasting Act which would clarify GAO's right of access to records of the Corporation for Public Broadcasting.

As you know, the position of this Office has been that the language of the present statute clearly intended that the Comptroller General would have access to information which would enable him to conduct audits in accordance with the principles and procedures applicable to commercial corporate transactions and "under such rules and regulations as may be prescribed by the Comptroller General of the United States." The regulations of the GAO which pertain to such audits were in existence at the time the legislation was enacted and known to the Congress. I enclosed a copy of these rules and regulations with my letter to you of July 3.

The Corporation for Public Broadcasting has in the past taken the position that this Office does not have access to information other than that which is strictly limited to fiscal accounts. That this interpretation is incorrect is clear, I believe, from a reading of the regulations themselves. However, I suggested an amendment which would clarify the intent that the GAO would undertake reviews of the operations of the Corporation to identify needed management improvements together with suggestions as to courses of action which, in our opinion, should be considered to achieve economies, correct management deficiencies, and otherwise strengthen the management of the Corporation.

In my letter to you of July 3, I made it clear that the audits initiated by the GAO would not concern themselves with the relationship of the Corporation with non-governmental organizations with respect to policy and programming matters relating to the selection, content, and scheduling of programs for public broadcasting. I made this commitment in recognition of the objective of the Corporation to remain free of Government interference in relation to such policy matters.

I do feel, however, that there are many areas in an organization of this type which should be reviewed from time to time from a standpoint of determining whether programs and activities are conducted and expenditures made in an effective and economical manner.

Within the past few days, I have had conversations with the Chairman of the Board of the Corporation for Public Broadcasting, Dr. James Killian, and with Mr. Henry

Loomis, President of the Corporation. While Dr. Killian has not had an opportunity to consult with all other members of the Board, he advises me that I am free to inform you that the Corporation is prepared to make a commitment that they will accommodate the needs of the GAO for information along the lines of the ground rules and general objectives which I have stated. With this understanding, I am prepared to work with the Corporation in the development of new regulations applicable to the Corporation to incorporate the above objectives and understandings on a basis which would meet the needs of both the GAO and the Corporation. Based on this commitment from the Corporation, the amendment to the Act which I have suggested does not appear to be necessary at this time.

I have read this letter to both Dr. Killian and Mr. Loomis and they have expressed concurrence in it.

I would appreciate it if this could be made a matter of record in the debate accompanying the consideration of the legislation so that the Members of Congress will be aware that satisfactory resolution of the matter is being reached.

I plan to keep you and the committees concerned advised as to progress in the development of the revised regulations.

Sincerely,

ELMER B. STAATS.

Mr. Chairman, I would like to point out very briefly some things from Mr. Staats' letter to me on July 18 in which he states that a certain compromise has been worked out by the GAO and Public Broadcasting, and I am quoting now from Mr. Staats' letter:

Within the past few days, I have had conversations with the Chairman of the Board of the Corporation for Public Broadcasting, Dr. James Killian, and with Mr. Henry Loomis, President of the Corporation. While Dr. Killian has not had an opportunity to consult with all other members of the Board, he advises me that I am free to inform you that the Corporation is prepared to make a commitment that they will accommodate the needs of the GAO for information along the lines of the ground rules and general objectives which I have stated. With this understanding, I am prepared to work with the Corporation to incorporate the above objectives and understandings on a basis which would meet the needs of both the GAO and the Corporation. Based on this commitment from the Corporation, the amendment to the Act which I have suggested does not appear to be necessary at this time.

I have read this letter to both Dr. Killian and Mr. Loomis and they have expressed concurrence in it.

Mr. Chairman, the letter further states:

The Corporation for Public Broadcasting has in the past taken the position that this Office does not have access to information other than that which is strictly limited to fiscal accounts.

That this interpretation is incorrect is clear, I believe, from a reading of the regulations themselves. However, I suggested an amendment which would clarify the intent that the GAO would undertake reviews of the operations of the corporation to identify needed management improvements together with suggestions as to courses of action which, in our opinion, should be considered to achieve economies, correct management deficiencies, and otherwise strengthen the management of the corporation.

Mr. Staats goes on to state:

It is not the intent of the GAO in its order to go in and censor the programs in any manner or have any control over the programs or the content of those programs.

Mr. Chairman, I feel very strongly that the GAO should audit all departments of Government and corporations that receive taxpayers funds. I am glad that a meeting of the minds has occurred between GAO and Public Broadcasting on the subject of the GAO audit. Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield to the gentleman from Florida (Mr. FREY), a member of the subcommittee.

(Mr. FREY asked and was given permission to revise and extend his remarks.)

[Mr. FREY addressed the committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BROWN of Ohio. Mr. Chairman, the chairman of the committee has asked for the remaining time, so I yield to the gentleman from West Virginia (Mr. STAGGERS).

Ms. ABZUG. Mr. Chairman, will the gentleman yield to me?

Mr. STAGGERS. I yield to the gentleman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I have been and I am a great supporter of public broadcasting and educational TV, but I am very concerned, after getting into this matter, that there is a responsibility on the part of Congress to concern itself with the standards and the guidelines which are to achieve a high quality in heterogeneous programming or a high quality obtained from the diverse communities.

There were some very important questions put previously by the gentleman from Missouri (Mr. CLAY) and the gentleman from Maryland (Mr. MITCHELL). I support their observations as to the lack of employment of and programming for minorities in public broadcasting. My question, Mr. Chairman, is this: I have noticed in public broadcasting that there is considerable lack of participation of women in employment and decisionmaking nor are there programs in any number which include women or their problems or concerns.

This is a very large group, a homogeneous group assuredly making up more than half of America's heterogeneity. I am concerned about the lack of attention to the problem of women.

Could the gentleman tell me how we would be able to be certain that the Corporation on Public Broadcasting will remedy these problems? Will this committee exercise oversight to make certain that they will?

Mr. PRICE of Illinois. Mr. Chairman, whenever this House passes upon legislation affecting public broadcasting, we invariably find ourselves involved in a discussion of the merits of Government subsidy of the media and the corollary issue of Government interference with public broadcasting.

After several years of Government funding of public broadcasting, the results are clear. Public Broadcasting System radio and television stations present alternative programming of the highest quality. Nowhere on a commercial station does one encounter serious drama public affairs programming, historical narrative, unique sports, or children's programming like that found on public tele-

vision. It is not an overstatement to say that Government subsidy is responsible for the consistency and expansion of this excellent programming. The authorization we consider today insures continuation of this much-needed source of education, information, and entertainment.

Mr. Chairman, it seems that many are concerned that PBS public affairs programming will fail to present some viewpoint or another, that public affairs programming will be biased, or that personalities may warp the presentation of the political issues discussed.

When these concerns are expressed, it is difficult to tell whether the motivation is concern for fair presentation of divergent viewpoints, fear that one's own political viewpoint will not be expressed, or a desire that a personally repugnant viewpoint will be repressed.

Hopefully, the motivations are all honorable and consistent with a legitimate concern for freedom of expression. However, if the motivations are less than honorable, there exists a danger that the Government will begin to indirectly affect the content of PBS programming. For the Government to endorse an independent public broadcasting system and then to seek to interfere with its choice of programming is inconsistent with every conception of the first amendment.

As to the appropriateness of public affairs programming on our noncommercial stations, I can think of no more proper forum for the discussion of public issues than on public television and radio.

This is not to say, of course, that any political or ideological faction should be allowed to monopolize time on public television and radio. The agreement recently signed by the Corporation for Public Broadcasting and PBS goes a long way toward assuring CPB-PBS responsibility without significantly depriving it of programming freedom. Both national and local interests will be better served through this agreement. Further, the 2-year authorization embodied in H.R. 8538 will facilitate program development, and indicates a tendency toward an even longer term authorization.

Public broadcasting is the most valuable of media assets. Let us vote to strengthen its financial stability, and at the same time resolve to safeguard its independence.

Mr. LEGGETT. Mr. Chairman, public television is rapidly becoming one of the most influential forms of communication and education in this country. This system has proven its desirability by its quality of programming, as for the future, public television still remains one of unlimited potential.

Public television has held fast to the position of promoting only programs of the highest quality from the most diverse sources. I feel this stance can only be taken if the noncommercial educational broadcasting systems are assured of maximum freedom from interference with or control of program content.

The Public Broadcasting Service has attempted to preserve the independent nature and the quality of the noncommercial broadcasting systems. The Corporation for Public Broadcasting has at-

tempted to pollute this action by proposing certain interconnections to secure ultimate control over selection and content of programs shown on public television.

If public television is to continue doing the excellent job it is now doing and rise to its ultimate potential, we must strengthen the independence of the local public television stations.

The CPB must realize its position in this situation. They must see any interconnection with the PBS not as a watchdog to the choice of programs or program content, but as a means to find the most effective ways to assure maximum freedom from interference or control of program content.

To assure quality of programming and service to the greatest number of people, the provisions of this bill are necessary. Public television programming requires considerable research and planning. To sustain this long-range development, considerable funding is required because there are no immediate results to any type of program. This funding is designed to keep the public television system as free as possible from sponsors, private citizens, or tax exempt foundations seeking to dominate program content.

Even though the long-range effects of some of these programs is unknown, I believe it is necessary to act immediately. For in a few years we will be able to examine the first set of "Sesame Street babies" to assure us that the public television system is accomplishing one of the finest public services the communication system has to offer.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of H.R. 8538, Corporation for Public Broadcasting authorization, and urge its approval by my colleagues. I have long been an advocate of educational television and the benefits all of our citizens can derive from educational programming.

While still a member of the Mississippi State Senate, I was privileged to author legislation which established the Mississippi Authority for Educational Television. Mississippi ETV is now a well recognized and accepted part of life in my State. The Mississippi Network has received acclaim from throughout the Nation for its programming and the original documentaries it has produced. I make note of this to point out that the accomplishments of Mississippi ETV would not have been possible without the assistance it has received from the funds we in the Congress provided, coupled with State appropriations.

I am sure this same situation is true throughout the Nation. Public broadcasting is a partnership between the Federal Government, State governments, and private citizens who donate their personal funds. I feel that this is one of the best partnerships that has been formed by the Government and must be continued.

The education of the American people, whether it be through the formal means of schools or informal means of public broadcasting, is one of the most important priorities we have. Therefore, I urge favorable approval of this bill by my colleagues.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of the public broadcasting legislation—H.R. 8538—which is before the House for consideration at this time. I think that the Interstate and Foreign Commerce Committee, on which I serve, and especially the Subcommittee on Communications and Power chaired by my colleague from Massachusetts has done an excellent job in preparing a responsible and responsive bill. It will serve the growth of the Public Broadcasting System in America and will serve the millions of viewers who are increasingly tuning in their local public broadcasting station.

I would like particularly to mention the broadcast facilities grant program. Since the program's inception in 1962, the number of educational television stations has increased from 76 to 237. The potential viewing audience has climbed from 50 percent of the Nation's population to more than 77 percent. From 1969 to 1971, the number of actual weekly viewers increased 30 percent to nearly 50 million individuals.

Because of the demand for increased education through the television medium, the hours devoted to instructional programming on public television have increased 20 percent since 1970. The success of the facilities grant program has also been instrumental in promoting educational program coverage on the Nation's 600 public radio stations.

As successful as this program has been, it has not been able to keep up with the rate of deserving applicants for grants. Last year, some 75 applications for \$20 million in Federal funds were not acted on because of a shortage of money. Another 30 applications are expected this year, raising the request total well above the reasonable \$25 million authorized in this legislation.

The broadcast facilities grant program means a great deal to the State of North Carolina and to the rest of the United States. As nearly 50 percent of public broadcast licensees are local school systems, colleges, and universities, this program has promoted continuing education, classroom instruction, and teaching innovations. It is an asset in bringing better quality education to the school-age child and to the adult as well. And it is a necessary program for States such as North Carolina which are expanding and improving their educational programs.

Finally, the broadcast facilities grant program in H.R. 8538 promotes the local independence of the public broadcaster. By allowing him to improve local production equipment and facilities, he can better his local service to the community and exercise more flexibility in his use of nationally produced material.

In short, the facilities grant program is a vital component of good and prudent legislation. I trust that the House will support a better public and educational broadcast system in its deliberations today.

Mr. MURPHY of New York. Mr. Chairman, I stand today to speak in favor of H.R. 8538 which authorizes appropriations for the Corporation of Public Broadcasting totaling \$110 million—

\$50 million for fiscal year 1974 and \$60 million for fiscal year 1975. The bill provides an additional \$5 million per fiscal year if that sum is matched by nongovernmental sources. H.R. 8538 would also authorize \$25 million in fiscal year 1974 and \$30 million in fiscal year 1975 for the construction of public broadcasting facilities.

Furthermore, the bill requires non-commercial educational stations that receive assistance, directly or indirectly through CPB or under the public broadcasting facilities program, to retain for a period of 60 days an audio recording of each program they broadcast in which any issue of public importance is discussed.

The purpose of the Corporation for Public Broadcasting is to promote the availability of high quality programs obtained from diverse sources. CPB is dedicated to insuring that the noncommercial educational television and radio broadcast systems have maximum freedom from interference with program content.

CPB is a private, independent, non-profit corporation. On March 30, 1973, a new public television license organization was created called the Public Broadcasting Service. The purpose of the new PBS is to:

First, operate the interconnection between stations;

Second, deliver a national program service;

Third, provide licensee management information and services; and

Fourth, represent public television licensees before the Congress, the executive branch, CPB, and the general public.

On May 31, 1973, an agreement was made between the Corporation for Public Broadcasting and the Public Broadcasting Service which specified the percentage of appropriated funds which CPB will disburse to the local television stations for their discretionary use. The agreement will help in building strong local services and increase the autonomy and strength of local stations. This is a step forward and promises greater balance between local and national interests in programming and a new era of improved public television service to the people of the United States.

The proposed funding under H.R. 8538 guarantees that the public broadcasters will not be unduly influenced or dominated by either Government grants or by the private sector. The noncommercial nature of public television is designed to avoid program interference from sponsors.

It is absolutely essential that we pass this 2-year bill. It takes longer than 1 year to develop a quality original programming series. CPB's funding must be secure and established if it is to consistently produce superior programs. Long-range appropriations are also beneficial in that they shield the public broadcasters and telecasters from annual interference from the Government and other sources.

Therefore, I heartily support this bill which was developed after extensive hearings by the Communications and Power Subcommittee of the Interstate

and Foreign Commerce Committee on which I serve, because it provides CPB and PBS with the funds, facilities, and breathing room necessary for the attainment of the goals outlined in the Public Broadcasting Act of 1967.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of the public broadcasting authorization bill before us today. The 2-year authorization of \$50 million for fiscal 1974 and \$60 million for fiscal 1975 will give the Corporation for Public Broadcasting opportunity to fully plan programs, will insure continuity for program planning, and will eliminate the hazards of single year authorizations of the past. In addition, the bill authorizes up to \$5 million each year if these funds are matched by non-Federal sources.

The amount of \$55 million has also been authorized for the improvement of facilities and equipment in local stations. These funds serve a most worthy and crucial purpose in strengthening and upgrading the programming quality of public television stations across the country.

Although balancing local, regional, and national interests of the stations and the public is a complex task, nothing would enhance true localism more than equipping each local station in a fashion that gives it the real capacity to accept or reject, tape, delay, store, broadcast, or rebroadcast programs from any source in a locally determined schedule.

Around 75 percent of local stations do not have adequate video tape recording facilities and priority should be given to applications for video tape recorders under the educational broadcasting facilities program. Public broadcasting informs and entertains millions of Americans and the contributions it has already made to our cultural and intellectual life are immeasurable. The broadcasting facilities grant program of \$55 million will enable the local stations to provide better service of this kind on the local level.

In my own city of Chicago and in the 11th Congressional District, which I am privileged to represent, WTTW-TV, channel 11, has made brilliant progress in providing stimulating and innovative programming to our community. Of any public TV station in the country, WTTW-TV is the fastest growing in terms of community support and financial contributions, large and small. Individual contributors have risen from 25,000 to 70,000 in just 14 months.

This year WTTW-TV received 6 of 16 awards for outstanding local television programs presented by the Chicago chapter of the National Academy of Television Arts and Sciences. I congratulate William McCarter, general manager, and the entire staff at WTTW-TV for their outstanding work and their high standards in serving the people of Chicago with such creative excellence, and extend my best wishes to them for their continued success.

Mr. Chairman, at this point in the Record, I wish to insert an article from the Chicago Tribune reporting the awards to WTTW-TV. The newsclipping follows:

[From the Chicago Tribune, May 14, 1973]
WTTW-TV WINS SIX LOCAL EMMIES FOR PROGRAMMING
 (By Clarence Petersen)

Channel 11 (WTTW-TV) ran away with 6 of 16 awards for outstanding local television programs presented last night by the Chicago chapter of the National Academy of Television Arts and Sciences.

Daniel Schuffman, president of the chapter, announced the local Emmy awards in the 15th annual presentation in the Hyatt Regency O'Hare Motel.

Channel 11 received two awards for a series of musical specials, *Made in Chicago*. The engineering team for the series and John Kennamer, who supervised the audio mix, received recognition for the programs, which were aired last February.

Other Channel 11 Emmy award winners were: Marshall Izen, the creator, performer writer, and set designer for the children's series, *The Adventures of Cosmo*.

David Wilson, producer of the program, also received an Emmy.

Producers of Channel 11 programs who received awards were: Gene Bunge and Charles Branham, who co-produced *The Black Experience* series, and Ken Ehrlich and Paul Manning, who co-produced *Open Air*. . . .
 "Where has all the Music Gone?"

Mr. TIERNAN. Mr. Chairman, we have before us a bill which provides a 2-year authorization for public broadcasting in the amounts of \$50 million the first year and \$60 million the second year. I believe that it is vital that this bill be passed.

Public broadcasting needs no defense; its answer to any attack can merely be a reference to its achievements. Public broadcasting provides programs of quality, taste, and intellectual vigor to a nationwide audience, and teaches the children of that audience that learning is fun. More importantly, public broadcasting provides local or regional programming that is of vital interest to one region, locality, or group. This local programming, of necessity shunned by commercial broadcasting, is available only on public broadcasting, and is the area of its greatest impact. Unfortunately, it is also very expensive.

We have noted the achievements of public broadcasting. What we are proposing is to authorize a considerable amount of money to help support it. I believe that a legitimate question about this authorization might be raised. Is public broadcasting a stable, organized entity that will be able to put our money to consistently good purposes, or is it an erratic institution which shows flashes of brilliance but also spends much time in bitter, intramural squabbling? Will our money be wasted? I believe that the events of the past year answered that question resoundingly, that public broadcasting is a stable, permanent institution which we can depend on.

Last year was a pivotal one for public broadcasting, one in which the institution proved its stability and permanence once and for all. Public broadcasting withstood the Presidential veto of last year's 2-year authorization, the Presidential veto of its appropriation contained in the Labor-HEW appropriations bill, the resignation of two chairmen and one president of the Corporation for Public Broadcasting, and a bitter power struggle between the Corporation for

Public Broadcasting and the Public Broadcasting Service.

The future growth of the institution of public broadcasting, indeed its very survival, seemed threatened. I am happy to observe, Mr. Chairman, that this "time of troubles" passed, and public broadcasting largely overcame last year's growing pains. With the compromise between CPB and PBS, and the appointment of a vigorous new CPB chairman, Dr. James Killian, public broadcasting emerged stronger than ever.

The future growth and development of public broadcasting are important to each of our districts, and to the entire Nation. A formidable amount of money is authorized by this bill, but as I said before, the most important aspect of public broadcasting, the local aspect, is also the most expensive. A 2-year authorization is needed for planning and production of new technical and program development. The talent is available and this bill will provide both the time and money necessary to utilize that talent. Even a 2-year authorization is a temporary measure, and we know that what the institution truly needs is a long-range, insulated financing plan. I hope to introduce a bill later this year to accomplish this goal. In the interim, this 2-year authorization is needed, and I urge my colleagues to vote in favor of it.

Mr. ADAMS. Mr. Chairman, public broadcasting provides many valuable and educational services for a wide variety of television audiences. One of the best examples of this has been taking place at KCTS-TV in Seattle where the station is showing re-runs of the 1954 Army-McCarthy hearings for 1 hour before its broadcasts of the Watergate hearings. KCTS has visually defined McCarthyism to a generation which has only a vague understanding of this grim episode on congressional history.

The KCTS programs recently were recognized in TV magazine and I would like to insert the article at this point in the RECORD:

CONTRAST: MCCARTHY TO WATERGATE

(By Jay Sharbutt)

NEW YORK.—KCTS, a public TV station in Seattle, Wash., is airing a warmup show each night when it broadcasts a videotape of that day's Senate Watergate hearings.

It precedes the Watergate show with reruns of selections from the Senate's Army-McCarthy hearings in 1954, with a three-man panel on hand to contrast those hearings with the one currently under way.

The 1954 hearings were televised live and lasted 36 turbulent days, many of them bitter and tense. A few months after they ended the late Sen. Joseph McCarthy, R-Wis., became the first Senator in a quarter of a century to be censured by his colleagues.

"We're reaching a new audience which has never seen the McCarthy hearings," said Richard Meyer, general manager of KCTS. "The young people who have called up are just completely fascinated."

"And some of them have never even heard about McCarthy, if you can believe it."

Meyer said the Army-McCarthy program of KCTS starts an hour before the videotaped Watergate hearings. The 1954 hearings originally were recorded on kinescope but were transferred to tape at KCTS, he said.

The panelists on the preWatergate program he said, are himself, Bill Shadel

and Fendall Yerxa. Shadel and Yerxa are professors of communications at the University of Washington.

Shadel was CBS' chief congressional correspondent at the Army-McCarthy's hearings and Yerxa the city editor of the now-defunct New York Herald Tribune during the McCarthy era, Meyer said.

"Were not spending much time talking—just a little bit at the start and a little bit at the end to put it in perspective," Meyer said.

He said the kinescopes of the Army-McCarthy hearings were supplied by station KING-TV in Seattle, on NBC affiliate which found them in the basement of its studios.

The idea of broadcasting the two hearings back to back came up when the Watergate hearing first began, Meyer said.

"Everybody here was asking, 'Is this going to be another kind of McCarthy hearing?'" he said, adding that his colleagues also made comparisons of the issue of executive privilege then and now.

He mentioned it to Eric Bremner, KING's general manager, and said things began rolling when Bremner mused, "It seems to me that we carried this [the Army-McCarthy hearings] some 20 years ago. . . ."

"We have the unedited version of the 1954 hearings, but we're only selecting highlights."

Mr. DORN. Mr. Chairman, it is with great pleasure that I support the improvements in the Public Broadcasting Act contained in H.R. 8538. I have long been a strong supporter of public educational television, both in the State of South Carolina and in the Congress. I joined the majority of Members of this House in passing the Public Broadcasting Act of 1967 and in voting for an increase in appropriations for public broadcasting last year.

In South Carolina we have seen the benefits that can come from a strong, noncommercial television operation. We are all very proud of the South Carolina Educational Television Network. Under the leadership of general manager Henry J. Cauthen and chairman of the board R. M. Jeffries, South Carolina ETV has grown from a successful experiment in 1958 to a system of broadcast stations and closed-circuit facilities which now reach into the homes, classrooms, hospitals, and technical educational centers throughout South Carolina. The South Carolina ETV network is truly a model for all the Nation.

The South Carolina ETV network has been a great asset to the people of South Carolina, both in terms of the kinds of programs produced by our own people in the State and the programs coming to viewers from other sources—national and regional—via the national interconnection, PBS.

The provisions of H.R. 8538 will help make possible the continued development of local programs by, about and for South Carolinians as well as provide a 2-year funding base from which public broadcasting throughout the Nation can begin to move forward toward its goals of long-range planning and development.

Miss JORDAN. Mr. Chairman, one noted scholar, E. B. White, once offered this view of the role of public television:

Noncommercial television should address itself to the ideal of excellence, not the idea of acceptability—which is what keeps commercial television from climbing the staircase. I think television should be the visual

counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, explore the sea and the sky and the woods and the hills. It should be our Lyceum, our Chautaugus, and our Minsky's and our Camelot. It should restate and clarify the social dilemma and the political pickle.

This statement describes both the challenge and the opportunity of public television. It gives expression to the views and problems of groups that would not otherwise have such an opportunity. It is able to take its cameras into ventures which might prove unprofitable for commercial television. It is profitable to air the frustrations of some people through a situation comedy such as "All in the Family," but it is equally important to show the governmental and court sessions where these real frustrations are heard and sometimes acted on. And it is a sad fact, Mr. Chairman, that many problems do not get heard or acted upon until they become spectacular enough to put in print or on film. Public, noncommercial television is often able to highlight problems and possibilities which would otherwise be ignored.

These free expressions are important for any democracy to remain viable, for only by being exposed to a wide range of points of views and by having their own point of view reflected in the media, can the masses of American citizens retain their status in our system as participants, and not just observers. And, Mr. Chairman, I think our public stations are meeting this responsibility.

Public television has encouraged much diversity in its public affairs programming, and deserves our full support. It was public television that gave us coverage of the Senate Foreign Relations Committee hearings on Vietnam in the 1960's. The debate on the admission of the People's Republic of China to the U.N., was covered, and in depth, long run coverage was provided on the 1972 presidential elections. On the local level, public TV stations have televised city council meetings and court proceedings.

In my home State of Texas, KLRN in Austin, will cover the convention drawing up the new State Constitution, if the funds authorized in the bill we are considering today become available. KUHT in Houston, one of the first public TV stations to receive its license, in 1953, also provides unique public service programming. On April 1 of this year, for example, KUHT-TV helped bring government to the people by providing 4 hours of delayed coverage of ad hoc congressional hearings on the impact of the Federal budget on Harris County, Tex., which I held, with Representatives BOB CASEY and BOB ECKHARDT. The management of KUHT has informed me that their taped delay broadcasts of the Senate Watergate hearings are drawing the largest viewing audiences in memory.

Public affairs programming is not limited solely to government and politics. Drug abuse, abortion, urban renewal, unemployment, the environmental crises, have all been the subjects of many national and local shows. Such programming helps remove the mystique from our problems, and shows the various branches of gov-

ernment and the private sector working for solutions. Public television devotes approximately 30 percent of its time to public affairs, as opposed to 2 to 3 percent for the commercial stations.

Why, then, Mr. Chairman, with this record of remarkably effective and important public affairs programming, has public television been such a subject of controversy in the last few years? Apparently, coverage of controversial subjects has made public television itself controversial. Many people are still inclined to kill the messenger who carries bad news.

The present administration has made no secret of its dissatisfaction with the "news" carried to the people by public television. It has attempted to cloud the accomplishments of PBS public affairs in a veil of "radical" labels, and by amplifying the faults that are bound to arise in any human endeavor. One aide from the Office of Telecommunications policy once attacked public affairs programming on PBS as being "unbalanced against us." These vocal warnings in some cases have been translated into action. Often going against the will of the stations and the American people, and even the presidentially appointed, Republican dominated CPB Board of Directors, this administration has applied pressure which has seen the majority of nationally produced public affairs programs made "inoperative."

In the process, it has seriously threatened to destroy the insulation of publicly supported television from politics.

Mr. Chairman, the bill before us today, H.R. 8538, deals with this problem. It would authorize the appropriation of \$55 million in fiscal year 1974, and \$65 million in fiscal year 1975 for the Corporation for Public Broadcasting. This bill has the support of the Interstate and Foreign Commerce Committee, and the Boards of Directors of CPB and PBS. The most significant sections of this bill are similar to S. 1090, which passed the Senate on May 7 by an overwhelming majority.

The 2-year authorization was set as a compromise between those who wished a year long range commitment to facilitate program and station development and others who wanted a one year authorization in order to submit the policies of CPB to an annual review. While assuring some control, 2 years gives enough time to insure a degree of quality in the programming. I favor longer periods of funding for it weakens the possibility of political pressure and allows public television to direct its energies towards better programming.

During the 92d Congress, the President vetoed a bill to extend CPB funding for 2 years. Congress later passed a 1-year authorization appropriating \$45 million which was signed into law. However, CPB eventually operated on a continuing resolution for fiscal year 1973 of \$35 million, as the President also vetoed the Labor-HEW appropriations bill for fiscal 1973, which contained the CPB appropriation.

I hope this legislation signals an end to the political controversy, stagnation and retrenchment which has been cripl-

ing public television for the past few years.

I am especially concerned about the fate of minority affairs programming in public television. I hope that the funds authorized in this bill will allow CPB and PBS to create and maintain such programs as "Soul" and "Black Journal." "Black Journal" was, and remains, the only national black public affairs program. "Black Journal" has served many functions. It has presented news from all over the world of interest to black people, and explored areas of history, the urban experience, and religion which are ignored by other media. And more important, it has presented constructive, diverse, and positive images of black people on the screen.

The polls have shown that the number of black people viewing public television has risen to the point where nearly three-fifths of all black families tune in their set at least once a week to their local PBS station and this is due in no small part to the appeal of "Black Journal." This appeal is understandable in light of "Black Journal's" diversity. It has featured integrationists, Panthers, Republicans, Muslims, Baptists—and the whole spectrum of ideas and philosophies in black America today.

Though not receiving fully adequate funding, "Black Journal" was luckier than its cultural counterpart "Soul," which has been limited to only two specials for next season. I hope that CPB can expand its minority programming with new and innovative shows, while still fulfilling its commitment to its present ones.

As with any human endeavor, public television will always have problems, real and imagined. However, its potential to inform and educate, and its ability to concern itself with a multiplicity of ideas, could have a tremendous positive impact on our American way of life. This potential is being partially fulfilled today. The passing of this bill today will help support its continued operations, unencumbered by the hazards of partisan politics. This bill's passage should be one step towards enabling our public broadcasting system to concentrate its energies toward achieving and maintaining that "ideal of excellence"—and not just an acceptable mediocrity.

Mr. RARICK. Mr. Chairman, few Members of this body would vote taxpayers' money to establish a federally controlled and managed newspaper. Yet, from past experience many of these same Members find little objection in extending a federally controlled broadcasting company and in fact, continuing to enlarge the monstrosity which has already been created.

The argument that public broadcasting television and radio is a "people's news and educational network" simply does not hold water. The people may pay for it but they have no voice in it. And it continues to expand as a "change agent" to influence public opinion, morals, and customs.

The argument is often advanced that public broadcasting—ETV—is necessary because it performs a service that otherwise might not be made available to Americans for lack of sponsors. But like

every other advocacy nationalized industry, this too is a false promise.

On a competitive scene the American people always express their preference. This has been the route by which commercial television has been able to keep sponsors and defray the cost of their programs.

No sponsor can long stay in business who pushes radical and unwanted program material. So the commercial market broadcasters, despite the many oppressive rulings of the Federal Communications Commission called "fairness" and "equal time," still afford the viewing audience free entertainment, education, and news directed at the mid-stream desires of the viewers.

This is not so with public broadcasting which is paid for by the taxpayers and has no sponsors. Therefore, the public has no retaliatory route to express its displeasure with programming or handling of the station policies. Policies are directed from a behind-the-scenes advisory committee made up largely of unelected lobby and pressure groups, who enjoy a tax-free status.

Those of us who have watched the continued growth of public broadcasting have also watched the Federal Communications Commission continually erode the powers and independence of commercial broadcasting. If the trend continues, the taxpayers can soon expect to be called upon to subsidize the commercial broadcasters. This will be the beginning of the end of free speech and free press as we in America has historically known it and treated it.

The bureaucratic regulations and controls of public broadcasting and the FCC dictates are already being felt in the journalistic field. Just this week the Florida Supreme Court sustained a State law ordering a Miami newspaper to give political candidates a "right-of-reply" to editorials or letters to the editor. Equal time, public service time, and other so-called fairness theories have long been applied to commercial broadcasting.

It will be interesting to see whether the journalists of our country are now ready to silence their papers to accommodate this new trend toward governmental media.

Mr. Chairman, few in this Chamber would vote for a bill to fund a federally owned and operated newspaper. I for one shall never cast my people's vote to continue this thought-controlling mechanism which threatens to channel the individual thinking of the American people at their own expense.

I ask that a copy of a related newspaper clipping follow.

[From the Washington Star-News, July 19, 1973]

PAPERS ORDERED TO PRINT REPLIES TO EDITORIALS

TALLAHASSEE, FLA.—Newspapers must give candidates they criticize in editorials a chance to reply to charges, the Florida Supreme Court has ruled.

In a 6-1 decision the court upheld a Florida law giving candidates for public office, under certain circumstances, the right of reply.

The court reversed a Dade County Circuit Court decision holding the statute unconstitutional and ordered a new trial in the case

of Pat Tornillo, Jr. vs. The Miami Herald Publishing Co.

The editor of the Herald, Don Shoemaker, called the decision "astonishing" and said the paper would appeal the ruling to the U.S. Supreme Court.

The CHAIRMAN. The Chair must advise the gentleman from West Virginia that all time has expired.

Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

PARLIAMENTARY INQUIRY

Mr. MITCHELL of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MITCHELL of Maryland. Mr. Chairman, is it my understanding that this bill can be open to amendment at any point, or have we reached that decision as yet?

The CHAIRMAN. The Chair will advise the gentleman from Maryland that the committee amendment in the nature of a substitute for the bill will be read by sections. Unless the request is made to open the committee amendment to amendment at any point, it would not be open at any point.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the Chair.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 396(k) (1) of the Communications Act of 1934 is amended to read as follows:

"(k) (1) There is authorized to be appropriated for expenses of the Corporation \$50,000,000 for the fiscal year ending June 30, 1974, and \$60,000,000 for the fiscal year ending June 30, 1975."

(b) Section 396(k) (2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1975".

(c) Section 391 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for the succeeding fiscal year such sums not to exceed \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the succeeding fiscal year, as may be necessary to carry out the purposes of section 390. Sums appropriated under this section for any fiscal year shall remain available for payment of grants for projects for which applications approved under section 392 have been submitted under such section prior to the end of the succeeding fiscal year."

SEC. 2. (a) Section 399 of the Communications Act of 1934 is amended by inserting "(a) after 'Sec. 399.'" and by inserting at the end thereof the following new subsection:

"(b) (1) Except as provided in paragraph (2), each licensee which receives assistance under this part after the date of the enactment of this subsection shall retain an audio recording of each of its broadcasts of any program in which any issue of public importance is discussed. Each such recording shall be retained for the sixty-day period beginning on the date on which the licensee broadcasts such program.

"(2) The requirements of paragraph (1) shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts

of such a program for the period prescribed by paragraph (1).

"(3) Each licensee and entity designated by a licensee under paragraph (2) which retains a recording under paragraph (1) or (2) shall, in the period during which such recording is required under such paragraph to be retained, make a copy of such recording available—

"(A) to the Commission upon its request, and

"(B) to any other person upon payment to the licensee or designated entity (as the case may be) of its reasonable cost of making such copy.

"(4) The Commission shall by rule prescribe—

"(A) the manner in which recordings required by this subsection shall be kept, and

"(B) the conditions under which they shall be available to persons other than the Commission,

giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens."

(b) The section heading for such section 399 is amended by inserting at the end "RECORDINGS OF CERTAIN PROGRAMS".

Mr. STAGGERS (during the reading).

Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. MITCHELL OF MARYLAND

Mr. MITCHELL of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL of Maryland: That (a) section 396(k) (1) of the Communications Act of 1934 page 3 is amended to read as follows:

"(k) (1) There is authorized to be appropriated for expenses of the Corporation \$50,000,000 for the fiscal year ending June 30, 1974."

(b) Section 396 (k) (2) of such Act is amended by striking "1973" and inserting in lieu thereof "1974."

And to amend section 391 of the same bill, striking the words "and for the succeeding year such sums not to exceed \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the succeeding fiscal year," and substituting "such sums not to exceed \$25,000,000."

Mr. MITCHELL of Maryland (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I do not have a copy of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BROWN of Ohio. Mr. Chairman, I reserve the right to object until such time as we have had an opportunity to look at the amendment and study it.

Mr. MITCHELL of Maryland. If the gentleman will let me proceed—

The CHAIRMAN. The Chair will advise the gentleman from Maryland the Clerk has not completed the reading

of the amendment. There is a reservation of objection.

Mr. BROWN of Ohio. I reserve the right to object, Mr. Chairman, until we have heard the amendment read.

The CHAIRMAN. The Clerk will continue to read the amendment.

The Clerk concluded the reading of the amendment.

Mr. MITCHELL of Maryland. Mr. Chairman, the intent of the amendment is very clear. Succinctly stated, I seek to reduce the appropriation for expenses for the Corporation by 1 year. I know that the committee bill contains \$50 and \$60 million, and I seek to reduce that by one-half.

Let me lay out my reasons for this, if I may.

I know full well there will be those who will complain that if we make the appropriation for 1 year, we cannot get quality programing. The argument has been advanced that it takes as much as 18 months to 2 years to do quality programing. My counter argument is that until such time as the Corporation becomes more responsive, as I indicated earlier, to the diverse needs of the diverse groups in this population, it may be that we should hold up on further programing.

I am well aware of the fact that by offering this amendment there will be those who will maintain that the author of the amendment is seeking to deprive poor little children of the value of educational programs. I like little children, and I want to see them educated. However, there is an overriding concern, and that concern is whether this quasi-public body will blithely ignore the needs, aspirations, and desires of a considerable segment of the American population.

I know, by offering the amendment, there will be those who will argue that—indeed, the phoney statistics just brought down here today would suggest—there is a great deal of programing aimed at inner cities.

First of all, I believe the statistics that were given to the Members of the committee are phoney. I will elaborate on that a little later on, if I can get the time.

Second, I am talking about the substance of the programing. It is one thing to program a "Sanford and Son" kind of stereotyped thing for an inner city, which does not portray the life of blacks or Indians or any other minority in an adequate fashion.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I do not believe we ought to leave the impression before this body, in the consideration of this legislation, that "Sanford and Son" is an educational television program, something created by the CPB.

Mr. MITCHELL of Maryland. If I gave that impression, I did not mean to do so. I believe I said programs of the same type as "Sanford and Son." I know that program is on commercial television. I am saying of the same type.

Mr. BROWN of Ohio. Would the gentleman identify the type of program he has in mind? Is he considering "Sesame Street" to be a sample of it?

Mr. MITCHELL of Maryland. No, I am not considering "Sesame Street." I will deal with that later.

The gentleman has a listing in front of of him of certain types of programs. I suggest he look that over, and I will respond later.

One thing which disturbs me very much is the fact that the statistics sent down to the Congress attempted to indicate that a great percentage of the programing did indeed involve minorities of all types.

Mr. Chairman, I want to add to the statement made by my colleague, the gentleman from Missouri (Mr. CLAY) that lumped in with that data is the program, "Sesame Street." Although it is true it has value for all people, and although it is true it does touch the lives of all people, it would certainly not, in my opinion, be the kind of program that could be considered a true representative of minority life in this country.

Now, I know that we will be subjected to all kinds of criticisms. I know that there are those who will say that this is unfair. But it seems to me, my colleagues, that somewhere down the line we have got to make up our minds that when public funds are involved, they will be used for the purpose of trying to portray America to Americans as it really is. In addition, that those public funds will be used to involve all segments of the American in programing, advertising, administration, and everything else.

I, for one, have gotten rather weary of voting time after time for pieces of legislation which involve huge sums of Federal money, knowing full well that if blacks are involved at all, they are involved only in a token fashion, and that if Puerto Ricans and other minorities are involved at all, they are involved only in a token fashion.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, on that point I would like the RECORD to point out that last year on network television for public broadcasting Puerto Ricans, Mexican-Americans, Cubans, and another program for Mexican-Americans received a sum total of 5 hours of network programing. These three minorities received only 5 hours of network programing last year out of a grand total of 852½ network hours.

Mr. MITCHELL of Maryland. Mr. Chairman, I appreciate the comment from my colleague. The comment goes right to the point I was trying to make.

Mr. Chairman, I hope the Members will support my amendment.

The CHAIRMAN. Will the gentleman from Maryland (Mr. MITCHELL) explain this for the benefit of the Chair?

The Chair is in some doubt as to just where the amendment goes in the bill. Is it intended as an amendment in the nature of a substitute for section 1?

Mr. MITCHELL of Maryland. The Chairman is correct.

The CHAIRMAN. Will the gentleman from Maryland (Mr. MITCHELL) ask unanimous consent that the amendment

be modified to the extent that it be considered as a substitute for section 1?

Mr. MITCHELL of Maryland. Mr. Chairman, I ask unanimous consent that my amendment be modified to the extent that it be considered as a substitute for section 1 of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, will the gentleman explain to me just where the language would appear in the bill by page and line?

Mr. MITCHELL of Maryland. Mr. Chairman, it would begin on page 3, line 13.

Mr. BROWN of Ohio. Through what line?

Mr. MITCHELL of Maryland. Through page 4, line 8.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROWN of Ohio. Mr. Chairman, assuming there is an objection at this point, what would be the procedure for this proposed amendment being considered by the Committee of the Whole?

The CHAIRMAN. It would be the impression of the Chair that it would be an amendment that would be considered in order somewhere on page 3 of the bill. It would facilitate the proceedings and the deliberations if the gentleman were allowed to modify his amendment, as he is asking in his unanimous-consent request, since it is clear that what he intends to do is to substitute this for the language beginning on page 3, line 13, and extending through page 4, line 8.

It would expedite the proceedings of the committee if there were no objection.

Mr. BROWN of Ohio. Mr. Chairman, further reserving the right to object—and I shall not object—I would appreciate comity from the other side if there were to be additional amendments, that we might be presented with copies of those amendments prior to their introduction on the floor so that we may have the opportunity to look at the amendments.

We had extensive discussions not with the gentleman in the well, but with some of the other Members of the House who have concerns similar to those of the gentleman in the well and concerns which I have great respect for.

We understand there are to be certain amendments in this area, but it would be very helpful if the minority and in this case the political minority of this House would be given consideration with reference to the opportunity to study and look at the amendments and where they are introduced in this body.

Mr. Chairman, I withdraw my reservation of objection.

Mr. MITCHELL of Maryland. I thank the gentleman for his comments. I am sorry. I find I rarely drift toward the right, but I will try to be cooperative.

The CHAIRMAN. Is there objection

to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL of Maryland: Page 3, line 13, strike out page 3, line 13 down to and including page 4, line 8, and insert the following:

That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:

"(k)(1) There is authorized to be appropriated for expenses of the Corporation \$50,000,000. for the fiscal year ending June 30, 1974."

(b) Section 396(k)(2) of such Act is amended by striking "1973" and inserting in lieu thereof "1974."

And to amend section 391 of the same bill, striking the words "and for the succeeding year such sums not to exceed \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the succeeding fiscal year," and substituting "such sums not to exceed \$25,000,000."

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

First I would like to pay a compliment to my good friend from Maryland. He is a great representative of his people and his district. I want to assure him that if I could do anything in the world to accommodate him, I would do it.

I think, however, this is the wrong time and place to put in an amendment.

This amendment will cripple public broadcasting. It needs a 2-year authorization to perform its functions effectively.

As I say, I admire the gentleman and know his intentions are the best, but I believe this amendment would be harmful.

Mr. CONYERS. Will the gentleman yield?

Mr. STAGGERS. I will be glad to yield to the gentleman.

Mr. CONYERS. I would like to find out, does the Chairman have the impression that this amendment is reducing the authorization?

Mr. STAGGERS. Oh, no.

Mr. CONYERS. It is not?

Mr. STAGGERS. It is just the fact that they need 2 years for planning and things like that.

I also want to say that the committee intends to have oversight to look into this matter, but we need time.

Mr. Chairman, I would hope that the gentleman from Maryland (Mr. MITCHELL) would withdraw his amendment in the light of what I have said. His amendment would cripple the program as we now have it and as it is now planned.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I would ask the gentleman from West Virginia whether I was right in my understanding of what the gentleman said that there will be regular oversight hearings on this with reference to the extent and degree to which minorities of all types are significantly involved in the matter of public broadcasting, as well as other matters?

Mr. STAGGERS. Let me say to the

gentleman from Maryland that I did not quite say that. I would say this—we are going to have oversight.

I think that we are being heard loud and clear today when we say we should have a balanced hiring of all races, all creeds, women, men, and what-have-you. I believe this. I believe they can hear us down town.

Mr. MITCHELL of Maryland. I thank the gentleman.

Mr. STAGGERS. The gentleman is welcome.

Mr. MITCHELL of Maryland. Mr. Chairman, in the light of the colloquy that we just had, and in light of the suits now being filed, and in light of the expressed intent for oversight hearings, in which I certainly now ask permission to participate as a witness, under those circumstances I would at this juncture now be prepared to withdraw my amendment.

The CHAIRMAN. The Chair would ask the gentleman from Maryland whether the gentleman is asking unanimous consent to withdraw his amendment?

Mr. MITCHELL of Maryland. That is correct, Mr. Chairman. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object—and I shall not object—let me just observe that I had some difficulty figuring out what a minority program is when one looks at the programming scheduled in CPB for all the various stations that currently so program. I have a list of the programs, for instance, that have been appearing on CPB regarding busing. I do not know whether that is minority programming or not. If it has black and white participants, is it minority programming, or is it American programming, or is it white programming?

It seems to me that there is an issue that affects us all.

I share the concern of the gentleman from Maryland for certain basic problems in the total public broadcasting spectrum. Balanced American programming is a proper issue of public importance. But I have to suggest to the gentleman from Maryland that I do not think it necessarily means that a program is or is not a black program because all of the participants in it are black, or that it is a black program or a minority program because it deals with specifically a subject that is of some interest to minorities, but also have interest for other aspects of our society.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. If the gentleman is putting this to me as a question, it is obvious that we do not have the time at this point to give a full and voluminous definition of what is minority programming.

I would now request that at the next convenient time for the subcommittee, I and others who have some concerns in this field might be allowed to come before it to discuss in depth a kind of definition of minority programming.

Mr. BROWN of Ohio. Mr. Chairman, further reserving the right to object, the chairman of the subcommittee (Mr. MACDONALD) has, I think, expressed his assurance in his comments with reference to the legislation before us and to individual Members of the House that he intends to have oversight hearings on the whole realm of public and educational broadcasting. The chairman of the full committee has expressed that intent, and the minority ranking member is in a position to insure those hearings.

I can tell the gentleman that I support the idea of having oversight hearings, and I have on a continuing basis. Speaking only for the minority which does often have such opportunity to attend and ask questions and participate, I should be delighted to have this issue covered in such hearings.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. BROWN of Michigan. Mr. Chairman, reserving the right to object, I do not know whether the majority members of the committee are going to support or oppose either or both amendments. I am inclined to support one and oppose another.

The CHAIRMAN. The gentleman has asked unanimous consent to consider them en bloc. Is there objection to the request of the gentleman from Missouri?

Mr. BROWN of Michigan. Mr. Chairman, reserving the right to object, I would suggest to the gentleman in the well that he might not submit them en bloc.

Mr. CLAY. Mr. Chairman, I should like to withdraw my request to consider them en bloc.

The Clerk read as follows:

Amendment offered by Mr. CLAY: Page 5, insert after line 17, the following:

Sec. 4. Section 392 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(g) No grant authorized by this subpart shall be made unless there is submitted with the application therefor, information from which it can be determined that the grant recipient is in compliance with all laws, rules, and regulations relating to nondiscrimination in employment practices. Each grant made hereunder shall be accompanied by a certificate by the Secretary (or by such official to which such authority is delegated) that the recipient is so in compliance."

Mr. CLAY. Mr. Chairman, perversion and distortion appear in the CPB attempt to gain a 2-year funding authorization. CPB is now asking for 2-year funding which would, in my opinion, remove Congress further from its oversight responsibility. It would give us no immediate vehicle with which to make them responsible to the constituency they serve

nor would it provide us with a means of making them directly accountable for the use of public funds.

The Public Broadcasting Act of 1967, CPB has four principal purposes: First, assist in the level of high quality programs for presentation over public radio and television; Second, establish and develop interconnection for such stations; Third, assist in the establishment and development of one or more systems of public broadcasting stations; Fourth, act so as to assure the maximum freedom of noncommercial educational broadcasting systems and stations from interference with or control of program content or other activities.

Since the Public Broadcasting Act—PBA—mandated the Corporation of Public Broadcasting—CPB—to assist the development of quality programs evidently they have fallen short of this goal in terms of the diversity of viewing public. From the \$35,000,000 operating budget for 1972-73, CPB spent approximately \$650,000 for black programming.

There has been token employment with minorities composing 7.9 percent of the total employment in public television. But these figures become microscopic when we look for minority representation at the decision and policy-making levels.

The most regressive policy of public television has been the limitation placed on programming to, for, and about minority communities, in general, and the black community, in particular.

As token black programs emerge the rest of the minority community must sit and wait for reruns of Chicano or Native American "specials," by providing a little for one group, the other group is discriminated against and the problem is compounded. The elderly and women only receives \$200,000 for programming. Mexican Americans, Indians and Puerto Ricans receive nothing. Public broadcasting has a mandated responsibility and a significant percentage of minority program is part of this responsibility, a part which has not been met. This has reached the stage where minority broadcasting is regarded by CPB as more of a concession than a right.

To be specific, CPB announced on February 7, 1973, that "Black Journal," the only black public affairs program, was being refunded at its present level of \$345,000, for the fall season beginning October 1973. However, CPB's negative through no fault of "Black Journal" through no fault of Black Journal" to lose about \$350,000 that it received last year from the Ford Foundation.

At the same time, CPB announced that "Soul," the only black cultural program, would share a reserve of \$305,000 set aside for additional black programming. It was further pointed out that "Interface," a black program designed for white audiences was being produced and, depending on its quality would share a portion of the \$305,000 reserve with "Soul." "Interface" was allotted \$40,000 for a pilot program. On May 15, 1973, CPB announced that the entire \$300,000 in the reserve fund would be allotted to "Interface." The rationale offered by Keith Fischer, executive vice president

of CPB, was that "Interface" was a preferable program because it took "a sociological rather than a cultural approach to the black experience." Ironically, as of May 15, 1973, when the announcement was made, "Interface" had not furnished a pilot program.

The above facts point to the following conclusions: First, "Soul," a black cultural program, will be replaced by "interface," a program oriented to whites but called black. Second, "Black Journal" will be crippled by a limited budget thereby reducing its quality and frequency of broadcast and certainly paving the way for replacement. The train of thought which follows from this could be called subtle systematized institutional racism.

The mere facts that CPB is attempting to reduce funding for "Black Journal" instead of doubling it, arbitrarily phasing out Soul instead of expanding it and probably conniving to replace "Soul" and "Black Journal" at a later date with "Interface," all serve as evidence to substantiate feelings among blacks that the white establishment-controlled mass communications media is malignantly infected with widespread, long standing deeply entrenched racism.

It is apparent that the Corporation for Public Broadcasting like its counterpart in commercial television is of the opinion that blacks are not entitled to a fair share of television programming: cannot determine program content and context, and definitely will not be placed in a position to eliminate gross distortion and misinterpretation of the black experience based on white middle-class value judgment.

Mr. Chairman, the Corporation for Public Broadcasting has a mandate to serve all segments of the community.

In reporting out the 1967 act, Senator PASTORE remarked on the intent of Congress with respect to the role of CPB:

It should be remembered that local stations are the bedrock of this system and as such must be responsive to the needs and desires of the public they serve. It is not intended that they be mere conduits for the productions of other stations or other outside sources." (S. Rept. No. 222, 90th Congress, 1st sess. 7 (1967))

Senator PASTORE continued:

Individual stations, therefore, will retain the responsibility to assess community needs and determine what programs will best meet those needs.

On signing the 1967 act, President Johnson said:

So today, we rededicate a part of the airwaves—which belong to all the people—and we dedicate them for the enlightenment of all people. (Compilation of Pres. Documents, vol. 3, No. 45 at 1531 (Nov. 13, 1967).)

It is clear that Congress intended CPB to stimulate a greater diversity of local programming which would differ from the fare offered by commercial broadcast.

While public television was designed to provide "high quality programming for all," the facts reveal that CPB has not been responsive to the needs of the entire community.

Mr. Chairman, if this bill passes this body in its present form, a substantial

amount of Federal money will be given to local public broadcast television stations without adequate Federal controls. This, in my opinion, would be a serious mistake.

LOCAL CONTROL

I am not opposed to local control but am concerned that those who control local public broadcasting be responsive to the people that are served. In too many instances, local control means that public broadcast has used this forum exclusively for their own purposes without concern for the broad public interest. In most instances, blacks, Mexican-Americans, Indians, and women have not been considered as significant factors in the output/input equation of public broadcasting. Even in those limited cases where there have been minority programming, information has been disseminated about the state of black America and other minorities without any input, consultation, or decision by blacks and other minorities.

We talk in glowing, pious terms about the sanctification of local control. Well let me inform you, that local control for all practical purposes mean local boards which lack any minority representation and reflects the lack of that representation in the character and content of programming.

The development and promotion of so-called high quality programs has been formulated by a selected elite, an elite which has not defined nor explained high quality; an elite which has used its own value standards to select "appropriate programming for the masses"; an elite which serves an elite and not all segments of the population. So high quality becomes synonymous with what the elite defines, not what the people want.

The Alabama educational television commission has been sued and the suit attempts to prevent the license renewal of all Alabama educational television stations because the official policy of the State of Alabama is to exclude all black programming. In this instance, local control means that in a State 50 percent black, the official policy is not to show any black programs.

If this Congress is to appropriate moneys for educational television, then we have the responsibility to assure that it is spent in a nondiscriminatory manner.

Public broadcast television stations are not required by HEW, the Corporation for Public Broadcast or other Federal agencies to comply with provisions of title 7 of the Civil Rights Act.

Licenses are granted and renewed—and the taxpayers money is given to these stations without the Government ascertaining as required by law that those stations produce affirmative action programs before those moneys are allocated.

Public money is granted to stations that have all white board of directors, that exclusively program white shows and apparently discriminate in employment against minorities and women.

SUPPORTIVE DATA

Section 394 of the Communications Act empowers the Secretary of HEW to

adopt rules governing the administration of the grant program for TV construction. HEW rules relating to the grant program are codified in 45 CFR chapter 1. With respect to minorities, it is salient to note that HEW has adopted no rules which would condition grants on minority representation on station boards of directors, nor does HEW have any regulations relating to minority employment or programming of the stations in order to receive grant moneys. In fact, the U.S. Commissioner of Education announced in March 1971 that in view of the disproportion of outstanding applicants to available funds, applications—in the area of service to the disadvantaged would receive top priority. HEW Office of Education program bulletin PB No. 6, 1971, P. 4. However, in PB No. 7 dated August 8, 1972—a revision of PB No. 6 covering priorities for fiscal year 1973, there is no mention of applications which it seeks to aid and a notice of proposed rulemaking issued on July 18, 1972, by HEW (37 Federal Register 15970, August 8, 1972) codifying priorities for fiscal year 1973 contains no apparent continuation of the priorities relating to "disadvantaged" espoused in PB No. 6.

Mr. Chairman, there are many in this House who argue that the Federal Government does not have the right to regulate or to interfere in the business of public television. This argument has been so advanced that HEW has refused to promulgate rules or standards for public television stations in order for them to qualify for grants. It has also stymied the FCC in its effort to devise rules of ascertainment for stations in the license renewal process.

I say if the Federal Government can determine which products can and can-

not be advertised on commercial television, for example—wine and beer are permitted but not whisky; Pipe tobacco and cigars are permissible but not cigarettes: Can determine how many commercials per hour can be run by a station: Can determine that certain consumer groups are entitled to free television time to respond to paid commercials: Can determine that persons seeking political office are entitled to equal time and can also determine a broad range of program content in many other areas of the industry even though this Government does not contribute \$1 in terms of subsidizing commercial television, how can we justify the argument that the Government does not have the right to determine program quality and content for public broadcast, when this Congress is being asked to subsidize public broadcast to the tune of \$110 million?

Mr. Chairman, I would like to cite some pertinent data to demonstrate the extent to which blacks and other minorities have been denied equal opportunities in public broadcasting.

BACKGROUND

In 1972 only \$650,000 was spent on black programming out of the total CPB budget of \$35,000,000. This amounts to 2 percent of the total budget.

In 1972 there were only two black network programs: One concerned with public affairs—"Black Journal"—and the other dealing with black culture (Soul). This year "Soul" is being eliminated and funding for "Black Journal" reduced.

The 1973-74 budget allots \$200,000 for programming on the subject of women and the elderly.

There are no allotted expenditures for programming of other minorities such as American Indians, Mexican Americans, or Puerto Ricans.

ADMINISTRATION AND EMPLOYMENT ADMINISTRATION

A recent survey of the boards of 31 television stations representing 50 percent of the households, found that out of 644 directors, 46—7.14 percent—were members of minority groups. The remaining 597—92.7 percent—were white.

The minority directors could be broken down further as follows:

Thirty-seven blacks—5.4 percent; 7 Spanish-surnamed Americans—1.08 percent; 2 Orientals—0.31 percent; 88 women—13.66 percent; and 556 men—86 percent.

In addition, it should be noted that 10 stations have all-white board of directors.

WGBH Boston; WGBX Boston; KETC St. Louis; KTPS Tacoma; WBIQ Birmingham; WITW Charleston; WUNF Asheville, N.C.; KDIN Des Moines; WJSP Columbus, Ga.; WVPT Harrisonburg-Staunton, Va.

EMPLOYMENT

There has been only token minority employment, and a decrease in that for blacks, Chicanos, Indians, Puerto Ricans. This is revealed by the following percentages:

| | [In percent] | |
|------|--------------|------|
| 1970 | ----- | 12.1 |
| 1971 | ----- | 7.9 |
| 1972 | ----- | 9.2 |

Of the 125 TV stations surveyed in 1972, 44 employed no minority group members on a full-time basis.

There are 25 minority employees shown as managers and officials. However, this figure is misleading as only three can be identified as station managers, program directors or executives who help establish and execute policies.

Although almost all stations employed women, over half of the women were in office and clerical positions.

| Job categories 1 | Total | Minority group employees | | | | Spanish sur- named American | Total minority |
|-----------------------------|-------|--------------------------|----------|--------|----------|--------------------------------------|-------------------|
| | | Black | Oriental | Indian | American | | |
| Officials and managers..... | 782 | 18 | 3 | 2 | 2 | | 25 |
| Professionals..... | 1,573 | 81 | 5 | 29 | 21 | | 121 |
| Technicians..... | 1,598 | 91 | 10 | 9 | 21 | | 131 |
| Sales workers..... | 2 | None | None | None | None | | None |
| Office and clerical..... | 982 | 87 | 9 | None | 23 | | 119 |
| Craftsmen (skilled)..... | 264 | 32 | 2 | 2 | 7 | | 43 |

| Job categories 1 | Total | Minority group employees | | | | Spanish sur- named American | Total minority |
|------------------------------|-------|--------------------------|----------|--------|----------|--------------------------------------|-------------------|
| | | Black | Oriental | Indian | American | | |
| Craftsmen (semiskilled)..... | 88 | 15 | None | 1 | 1 | | 17 |
| Laborers (unskilled)..... | 22 | 6 | None | None | None | | 6 |
| Service..... | 63 | 29 | None | None | 3 | | 32 |
| Total..... | 5,235 | 359 | 29 | 20 | 86 | | 494 |
| Approximate percentage..... | | 6.9 | 0.6 | 0.4 | 1.5 | | 9.4 |

1 1972 full-time employees.

III. PROGRAMING AND EXPENDITURES

A. MINORITY PROGRAMING BY CPB IS THE MOST CRASS EXAMPLE OF TOKENISM DISPLAYED IN BROADCASTING:

| | Funds | Hours |
|--|--------------|-------|
| 1. 1972 CPB funds and hours (not including instructional programming): | | |
| Total CPB expenditure..... | \$15,600,000 | 852½ |
| All minority programming..... | 542,000 | 37 |

2. Comparison of minority programs and other programs:

| (a) Minority programs: | | |
|---|---------|-----|
| (1) Black Journal..... | 267,000 | 19½ |
| (2) Soul..... | 200,000 | 15 |
| (3) Yo Soy Chicano..... | 21,000 | 1 |
| (4) Black Children's Art and poetry..... | 18,000 | 1½ |
| (5) Mission Media Arts..... | 18,000 | 1½ |
| (6) Ron Dellum's Special..... | 18,000 | 1½ |
| Total..... | 542,000 | 37 |

| | Funds | Hours |
|--|-----------|-------|
| (b) Other programs: | | |
| (1) Great American Dream machine..... | \$893,000 | 20 |
| (2) Vibrations..... | 673,000 | 20 |
| (3) This week..... | 446,000 | 17½ |
| (4) Net Opera..... | 367,000 | 4½ |
| (5) Boston POPS..... | 303,000 | 12 |
| (6) Masterpiece Theatre..... | 563,000 | 48 |
| (7) French Chef..... | 208,000 | 13 |
| (8) Film Odyssey..... | 410,000 | 47½ |
| (9) Earth Love/Earth- keeping..... | 396,000 | 4½ |
| Total..... | 4,259,000 | 187 |

SUMMATION

This clearly points to the following:
Only "Black Journal" and "Soul," representing a paltry total of 34½ hours last year, were offered by CPB on a regular basis to serve the black community;

"Yo Soy Chicano," a miserly 1-hour, was devoted to serve the Mexican-American community;

No programming was offered concerning the American Indian, or Puerto Rican;

Because of the disinterest in minority problems exhibited by CPB, blacks and other minorities have shown a disinterest in public television as shown by polls demonstrating that more than 50 percent of the black and other minority population do not watch public TV.

Programing to educate, uplift, and entertain minorities—largely ignored by commercial broadcasters except for the coverage of black criminals and extremists—does not exist in any meaningful way on public television; and

All of this comes at a time when community problem ascertainment surveys

by commercial broadcasters invariably list racial problems at the top of the list of issues of community interest.

DISPROPORTIONATE ALLOCATION OF FUNDS

CPB has failed to diversify programming sources—

1971-72, 7 stations out of a possible 223 got over \$8 million of the total \$9 million given away for TV program production.

It is a gross violation of the intent of Congress to spend tax moneys in such a way that one station—WNET, New York—gets almost \$3.5 million while 67 others only get \$500 apiece for the purpose of developing quality television programs.

The following are representatives of grants made by CPB in fiscal year 1971:

| Stations | Production CPB funding | Other grants from CPB |
|-----------------------------|---------------------------|--------------------------|
| WNET (New York)..... | \$3,594,678 | \$109,400 |
| WGBH (Boston)..... | 1,680,500 | 57,500 |
| KCET (Los Angeles)..... | 1,023,300 | 78,000 |
| KQED (Pittsburgh)..... | 650,000 | 77,000 |
| WTTW (Chicago)..... | 685,300 | 92,500 |
| Children's TV Workshop..... | 500,000 | 250,000 |
| Total..... | 8,898,778 | 846,400 |

Mr. Chairman, in conclusion let me say, if this Congress can let public broadcast continue to operate as it has in the past—then we have admitted that America has no commitment the Preamble, the Bill of Rights, the Constitution or to the laws of the land.

Unless amendments are adopted which would make public television more responsive to the people it supposedly serves, this authorization bill should be defeated. Public broadcasting television stations are not adhering to the provisions of title 7 of the Civil Rights Act. Licenses are granted and renewed and taxpayers' moneys are given to stations without the Government insisting, as required by law, that those stations produce affirmative action programs before those moneys are allocated.

A disproportionate share of funds are going to certain public television stations. In 1971-72 7 out of a possible 223 television stations got over \$8 million of the total \$9 million given for TV program production. Sixty-seven other stations received only \$500 apiece for the purpose of developing quality television programming."

In a recent survey of 31 stations, comprising almost 50 percent of the television households in the country, minority representation on the boards of directors was almost nonexistent. Of the 31 stations examined and their 644 directors only 46—7.1 percent—were from minority groups. In cities like Birmingham, St. Louis, and Columbus, Ga., where the populations are almost 50 percent minority, no blacks were on the boards of directors. These boards are intended to be a binding link between stations and the community. If the directors are not representative of the community, the station serves and do not act as a conduit between the station and its viewers, no mechanism exists to insure that station operation is responsive to the public.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment. I rise to oppose the amendment for a num-

ber of reasons but I think two of the most important will suffice to be discussed at this point.

In the first place there are already on the books of law of the United States sufficient legislative provisions to see to it that the purpose of the amendment, as I understand the amendment in any event, be taken care of.

It seems to me we would be singling out just one of the numerous Government agencies to say that this particular agency has paid no attention to the law of the land. I personally do not believe that to be a fact but I am not disputing the right of the gentleman from Missouri to believe it or his sincerity in bringing forward this amendment.

I would however like to point out to the Members that we held hearings at great length on this whole matter. They were publicized. We had witnesses from all over the country come and testify before us. We had Members of Congress. We had any number of groups representing interests in public broadcasting. I saw and had and heard no communication either at that time nor for that matter at any time during the annual review of this subject, which goes back to 1967, nor a request from the gentleman from Missouri (Mr. CLAY) nor from any other member of the Black Caucus concerning this matter.

I have assured the Congressman from Missouri (Mr. CLAY) that we would look into it, and we already have started doing it, inasmuch as it was called to our attention for the very first time this week. I have here communications which I know the gentleman from Missouri has also seen, inasmuch as we discussed these and I have given him copies. One is from the FCC, and this is signed by H. Rex Lee, Commissioner—and as I stated earlier, he is educational commissioner for the FCC.

In his letter he discusses various pending rulemaking requests concerning ascertainment by educational stations:

I would like to reassure you that we are moving along on them now that the Order in Docket 19153 is completed, and that we expect a Notice of Inquiry and Proposed Rulemaking to be acted upon in late August or the first week in September.

It is signed by H. Rex Lee.

That was one of the governmental agencies to which Mr. CLAY addressed his complaint. The second memorandum I would like to call to the attention of the Members is a memorandum from the Department of Health, Education, and Welfare Office of Education. It is addressed to me from Stuart W. Hallock, Acting Director of that office. He goes through a listing which, when we get back into the House, I will ask unanimous consent to have inserted. He goes through the steps which an applicant for a grant from HEW must go through.

He states:

On page 15 of the application, the applicant in addition to certifying by original signature that all assurances, facts, figures, and representations made in the application are true and correct, he also is served notice that any grant award by the Commission is subject to certain conditions, and that these conditions apply to the project, and further that the money will be refunded if a discrepancy in the law is turned up.

"On page 1 of the application the applicant must indicate the status of compliance with civil rights provisions and must file with DHEW, HEW Form 441 if such is not already on file.

He will not be granted any funds if he does not make this application certifying that he is in compliance.

(By unanimous consent, Mr. MACDONALD was allowed to proceed for an additional 2 minutes.)

Mr. MACDONALD. Then, for another step, final payment to the grantee is made only after these assurances have been given and signed to. The final payment is made only after the inspection of the project and the grantee's financial records pertinent to the Federal financial assistance. They send an onsite inspector who is an EBPF engineer and who ascertains on the site—by among other things looking at the employees—ascertains on the site that the grantee has complied with all conditions of the Federal grant.

Therefore, as I indicated in my original remarks, that I believe in what the gentleman from Missouri is trying to do. However, I think under the circumstances, it is unnecessary at this time. I have assured the gentleman from Missouri and other Members who are interested in this aspect of public broadcasting that we will hold hearings to go into this matter, which I had assured the gentleman we would have gone into completely, thoroughly, and fully had the gentleman from Missouri or any other member of the caucus appeared to testify or to ask questions or even to raise it to the attention of any member of our subcommittee, which to my knowledge nobody did so.

Mr. Chairman, I insert herewith the entire text of the memorandums which I previously referred to:

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, D.C., July 17, 1973.

Mr. ROBERT GUTHRIE,
Interstate and Foreign Commerce Committee,
U.S. House of Representatives, Wash-
ington, D.C.

DEAR BOB: Fred just spoke with me about your phone conversation. Attached you will find the Commission's Inquiry concerning ascertainment of community needs. In my concurring statement I discuss the various pending rulemaking requests concerning ascertainment by educational stations. I would like to reassure you that we are moving along on them now that the Order in Docket 19153 is completed, and that we expect a Notice of Inquiry and Proposed Rulemaking to be acted upon in late August or the first week in September.

If you have any further questions, please feel free to call upon me.

Sincerely yours,

H. REX LEE,
Commissioner.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
July 19, 1973.

To: Congressman Torbert H. Macdonald.

From: Stuart W. Hallock, Acting Director,
EBPF.

Subject: HEW Enforcement Title VI of
Civil Rights Act under Facilities Grants
to Educational Broadcast Stations.

In its grant process, EBPF takes the following steps to insure compliance with the Civil Rights Act by all applicants:

1. In the application form, copy attached,

applicant is requested to familiarize himself with EBFP Regulations and the requirements of 45 CFR Part 80, issued pursuant to Section 601 of the Civil Rights Act of 1964.

2. On page 1 of the application the applicant must indicate the status of compliance with civil rights provisions and must file with DHEW, HEW Form 441 if such is not already on file, copy attached.

3. On page 15 of the application, the applicant in addition to certifying by original signature that all assurances, facts, figures, and representations made in the application are true and correct, he also is served notice that any grant award by the Commission is subject to certain conditions, (Section 60.17 of the Regulations) which the grantee must fulfill at varying periods, some prior to the first payment, some during construction of the project, and some during the ten year period of Federal interest in the project.

4. Final payment is made only after inspection of the project and the grantee's financial records pertinent to the Federal financial assistance, as the Commissioner may deem necessary (Section 60.18(a) (2) of 45 CFR). At this on-site inspection, an EBFP engineer ascertains as authorized in 45 CFR 60.17(f) that the grantee has complied with the conditions of the federal grant, specifically 45 CFR 60.17(i) and (j). A copy of 45 CFR 60 is attached.

He checks to see that the grantee has, as stated in 60.17(i), complied with the regulations issued by DHEW to implement Title VI of the Civil Rights Act, and, as stated in 60.17(j) that the grantee has incorporated into any contracts exceeding \$10,000 for the installation of transmission apparatus acquired in the project the provision for equal employment opportunity for all qualified persons without regard to race, creed, color, or national origin.

Final payment can be withheld if these conditions are not met.

5. During the 10 year period commencing with the date of completion of a Facilities project, the grantee must submit an annual Status Report (45 CFR 60.20). Although these are provided mainly to check on the continuation of the eligibility of the grantee and that the facilities acquired with Federal support are continuing to be owned by the grantee and to be used only for educational purposes, HEW can request an update on the status of the operational staff and the station's programming if the Secretary, Commissioner or any duly organized representative requires.

However, since EBFP deals only in the acquisition and installation of transmission apparatus, the Public Broadcasting Act, Section 398(2) prohibits Federal interference or control over the grantees: "Nothing contained in this part shall be deemed to authorize any department agency, officer, or employee of the United States to exercise any direction, supervision, or control over ETV or radio broadcasting, or over the Corporation of Public Broadcasting or any of its grantees or contractors, or over the charter or bylaws of CPB, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or educational broadcasting station or system." A copy of the Act is attached.

Mr. COLLINS of Texas. Mr. Chairman, I rise in opposition to the amendment.

I was very impressed by the amendment which was offered by the distinguished gentleman from Missouri. I would like to add that the chairman of our subcommittee (Mr. MACDONALD) did deal with this subject extensively in the hearings. I am interested that this par-

ticular approach was taken, because in our hearings the subject of minorities came up frequently in regard to black programming and black hiring. It has come up in regard to public broadcasting and also hearings in regard to licensing private stations.

I believe there is discrimination against minorities. But our problem in the committee was to determine what is a minority and which minority suffers from discrimination, and how do we fairly recognize all of the minorities?

For instance, I take exception to the fact that there is not a single program in this country provided on public broadcasting in behalf of the Irish.

I will tell the Members additional remarks. They tell me there is none for the Japanese, there has never been one for the Chinese, and there has never been one for the Polish community. We have a big German community in Texas. They have never been recognized.

As I went through the list of the minorities, and as we went down through the line, stations never got around to minority groups. The only group that is really effective, as to getting minority representation, was the black group.

The gentleman said that the blacks had 9½ hours. On this point I recalled when we discussed minority programming within the committee, we discussed programming that was specially designed for the black audience. Two things came up with respect to black special programming.

First, in my experience it has been proved that in communities throughout our country there is not any group of listening audience defined as a black audience. Let me cite a figure. There is not a single so-called black program in the country that has been on public broadcasting that has drawn as much as one-half of 1 percent of the potential listening and viewing public. That means only 1 out of 200 people at the most would be interested. Usually there is less than one in a thousand.

I think of the public broadcasting system in terms of the total public audience. With listener appeal so the public would desire to view it.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Missouri.

Mr. CLAY. I believe the gentleman fails to understand the mandate of public broadcasting. It is not to be concerned about how many people are watching it. The rationale for public broadcasting is that it belongs to everybody. If there is only one person in that community who has a particular interest in that program he ought to be entitled to some time on the airways. That is the mandate. It is not supposed to be identical to commercial broadcasting.

And the Irish, too, ought to have some time of programming.

Mr. COLLINS of Texas. I understand what the gentleman is pointing out.

The committee asked, "How would we take care of every minority?"

For instance, in my city we have 1½ million people. How would we be able to

fairly provide programs for every minority?

We do not have many Lebanese, but we have never given those Lebanese a minute of time on our public station.

What is equitable? If the gentleman can figure out any proposal, the committee would give it a hearing, as to how to further recognize minorities, as to program allocation, and in respect to recognizing a minority ratio, on whether we should get into a quota on employment.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from New York.

Ms. ABZUG. I find these comments interesting. I wonder if in the course of the study of this subject the gentleman noticed how many programs were devoted to the concerns of women or the participation by women? I suppose that would be an easier category for the gentleman to deal with. I just wonder if he would like to comment on that?

Mr. COLLINS of Texas. I certainly welcome that addition on TV. Everyone admires women on television. I should like to see more and more of them.

Ms. ABZUG. I should like for my colleague to address himself to that question.

Mr. COLLINS of Texas. I have not seen the statistics. My concern has been with the Irish, and I want to tell my colleague that the Irish to date are battling zero.

Mr. METCALFE. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the distinguished gentleman from Illinois.

Mr. METCALFE. I thank the gentleman from Texas for yielding.

This is about as propitious a time as any to really search our souls and look at the question of whether or not we are dealing with what we term to be minorities. Are we not really in fact ignoring the realities of the history of our country? I would submit that we consider those members of the black and brown races as members of the majority.

I am not directing my remarks specifically to the gentleman from Texas (Mr. COLLINS) but simply ask the question of the entire House. Specifically I ask whether or not a few years ago when we were segregated in our educational system, whether or not we have been segregated on a first hired and last hired basis, and whether or not today we are accorded all the privileges that the Constitution provides for us.

Were the ethnic groups referred to by the gentleman from Texas considered as minorities according to these practices?

The answers to these facts will clearly determine what is commonly referred to as minorities.

I think therein lies the answer to the question as to whether or not we will continue to segregate and separate some in this very diverse community of America, a community representative of all of the countries, and I think that in that way it would be more clear and it

will be much easier for all of us to understand what we are talking about when we are speaking of minorities.

Mr. Chairman, I thank the gentleman very much for yielding.

Ms. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment offered by our colleague, the gentleman from Missouri (Mr. CLAY). I find it very interesting that the correctness of this amendment concerning so large a number of people in this country is measured by whether or not it was previously raised by a Member of Congress and during the hearings of this committee.

This is particularly so because, as I indicated in the general debate, the basic standard for public television—and I indicated that I support it very vigorously for its educational objectives—is to provide the ways in which programs are brought forth which will give us high quality and heterogeneous programming, that is, high quality programs obtained from and participated in by diverse communities and constituencies.

Why did not the committee, on its own, in the hearings address itself to these propositions?

I accept the criticism that Members of the Congress who are now speaking on this issue should have come before the committee. But I believe it is the responsibility of leading Members in this field who are on the committee to make certain that public television does, indeed, meet the standards which are provided in the act.

Mr. Chairman, there is not only the question of discrimination against minorities that has been referred to by the maker of this amendment and others, but if we will look at the Board of the Corporation for Public Broadcasting, if we will look at the local radio and TV stations, and if we will look at the board of the public broadcasting system, we will find that there are very few minorities represented; we will find very few women represented. In fact there is only one woman on the Board of the Corporation for Public Broadcasting. This lack has a direct relationship in providing an answer as to why programming is not as diverse as indeed it is intended to be by law.

Mr. MACDONALD. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. Yes, I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, actually the gentlewoman is not quite correct. There were two series of hearings. There was one on public broadcasting and one on licensing in general.

In the hearing on licensing in general, we went into diversity of programming, hiring practices of the stations, and all the things that are being raised here today, because there had been complaints in these areas.

We went into it because we felt it was a condition that should not exist. We did not go into it here because nobody had ever indicated that all of the laws of the land were not being lived up to, although we did inquire of the Public Corporation for Broadcasting as to what they were doing about hiring minorities, and they indicated they had two plans

in mind which have since been put into effect and have set aside a certain amount of money in order to encourage and to train minority groups, blacks in particular, to participate in the program.

Second, when they have blacks in it they do such a good job and get such a good grasp of the subject that they get hired away from the low-paying public broadcasting by the private corporations and private broadcasters who have so much more money at their disposal.

So the matter has not been ignored by our subcommittee.

Ms. ABZUG. I am glad to hear that, but in addition to the blacks and other minorities, what about the question of the hiring practices, decisionmaking roles, as well as programming, concerning women in this society? Do you have any data on that?

Mr. MACDONALD. Yes, I do.

Ms. ABZUG. I would like to see what that data is.

Mr. MACDONALD. The data is that there were a group of women's activists who brought complaints against ABC in New York City and CBS and were satisfied at NBC, I believe. We had days of testimony from women's activists who testified they felt they were not getting their fair share. We went into that and discussed it with management, and management agreed they had been neglectful and have taken steps to overcome it which have satisfied those women activists who appeared before us, and they now support the bill.

Ms. ABZUG. I am interested in hearing what testimony there was on the question of the Corporation for Public Broadcasting, specifically, and not on the licensing questions in private broadcasting, because we are considering here the Corporation for Public Broadcasting—

Mr. MACDONALD. That is right.

Ms. ABZUG. What specifically was discussed on that issue in your hearings?

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, at the request of Mr. MACDONALD, Ms. ABZUG was allowed to proceed for 1 additional minute.)

Mr. MACDONALD. I tried to point out to the gentlewoman that the reason why it was not gone into in any depth at the hearings on public broadcasting was because nobody raised it at any time to us. As soon as it got raised by Mr. CLAY and others we did something about it. We are now on the back of CPB to have them justify to us what they have done. The figures they have given us, while they are not good, show an improvement. We have it on HEW. I just read the procedures they go through and we have been working on them and they have responded, I might add, optimistically to our entreaties. I think you will see, as they state, an improvement in this entire area.

Ms. ABZUG. If I understand the gentleman's response, there will be an on-going oversight with respect to the issue not only of discrimination in employment, which this amendment covers, but also the question of programming which represents the heterogeneity in our society.

Mr. MACDONALD. I do not believe that Government has any role in programming.

(Ms. ABZUG and Mr. CONYERS asked and were given permission to revise and extend their remarks.)

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there has been a lot of interesting discussion about how we resolved the question of racial discrimination in public broadcasting, but it is really not to the point of this amendment.

This amendment really attempts to clarify existing law. It does not change a thing.

I would like to have the attention of the distinguished subcommittee chairman on this subject.

This amendment does not change existing law. As a matter of fact, what it does is clarify the confusion that has existed regarding the role of the Federal Government in entering public broadcasting in terms of prohibiting racial discrimination.

So what the gentleman from Mississippi is trying to do is to make it clear that title 7 of the Civil Rights Act of 1964, relating to employment, does apply to the Public Broadcasting Corporation.

Now, he is not trying to do anything further. There is a great deal of confusion on that subject. I would like to illustrate the extent of that confusion through a memorandum sent to the distinguished gentleman from Massachusetts on July 19 of this year. In this letter, the acting director of the Office of Education of HEW who is concerned with the Civil Rights Act with regard to facilities grants to educational broadcast stations in conclusion stated:

However, since this operation deals only in the acquisition and installation of transmission apparatus, the Public Broadcasting Act, . . . prohibits federal interference or control over the grantees—

and he quotes the language:

"Nothing contained in this part shall be deemed to authorize any . . . agency . . . exercise any direction, supervision, or control over ETV or radio broadcasting, or over the Corporation of Public Broadcasting or any of its grantees or contractors. . . ."

What he is trying to tell us is that there is some confusion with regard to whether the Civil Rights Act of 1964 has application.

So the gentleman's amendment attempts only to clarify that.

Now, I cannot understand why this would be so stoutly resisted by this committee on grounds that we have not told them about it in time. They should have known about it all along.

I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I do not know what it is the gentleman is addressing to me, but if the gentleman is addressing to me, but if the gentleman would read on in the memorandum from Mr. Hallock he is trying to make it clear that the CPB itself, or educational stations which are located within college campuses and such, that neither the CPB nor those educational stations nor its personnel are governed by the same law that governs, say, HEW and funds that come from HEW to facilities.

He is drawing a clear line between what is governmental and has to live up to the law, and what is non-governmental, and therefore over which we have no direct control. That is how I read it.

Mr. CONYERS. Let me ask the gentleman this, and let us get it so that everybody in the Chamber can understand it, has HEW promulgated a rule for implementation of title VII of the Civil Rights Act?

Mr. MACDONALD. Yes, I believe they have. I have a copy here. It is in the Federal Register for Tuesday, January 28, 1969.

Does the gentleman wish me to read it?

Mr. CONYERS. No, I do not want the gentleman to read it to me. I thank the gentleman very much.

Mr. MACDONALD. I would just like to make an observation, if the gentleman from Michigan will yield further, that I quite agree with the gentleman, and it is obviously clear that these people at HEW are subject to the same law as everybody else, and this committee and subcommittee, and I am sure this Congress will see to it that if they have not been living up to that obligation they will live up to it.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I do not believe that it is true that HEW has promulgated any rules in regard to the setting up of standards or being in compliance with title VII of the Civil Rights Act.

Now, in March of 1970—

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Mr. Chairman, I yield further to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, in fact, the Commission on Education announced in March of 1971 that in view of the disproportionate of outstanding applicants to available funds, applications in the area of service for disadvantaged would receive top priority, that was in education bulletin 6, dated March of 1971, and is on page 4.

But in public bulletin No. 7, dated August 8, 1972, a revision of public bulletin No. 6 covering priorities for fiscal year 1973, there is no mention of application which seeks to aid, and a notice of a proposed rule after July 18, 1972, by HEW, codifying priorities for fiscal year 1973 contains no apparent words of appropriate relationship to the disadvantaged as espoused in Public Law No. 6.

Mr. CONYERS. Mr. Chairman, we have a very simple amendment here that attempts to clarify an act of 1934. No one disagrees with the import of it. There is general agreement that the Public Broadcasting Corp. has been dragging its feet in this particular area, and I speak as a friend of PBC, as is the author of this amendment. We merely want to assert that there shall be no discrimination in employment policies and that the appropriate titles of the Civil Rights

Act which were passed long after this legislation went into effect would be operative. We are making no changes in the existing law, and why we are meeting such resistance on a point everyone agrees to is a complete mystery to me.

Can anyone explain here in this House why we have to resist an amendment that everyone agrees to in principle? I think that this ought to be adopted by the majority of the Members here so we can proceed on with the bill.

I yield back the balance of my time.

Mr. VAN DEERLIN. Mr. Chairman, I move to strike the necessary number of words.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I agree that a number of people are urging a vote, and I do not intend to take any time except to make it clear in the record that Mr. CLAY said he did not believe a statement I read, and I think it is incumbent upon me to read it into the Record as I hold it in my hand. It is the Federal Register, volume 34, No. 18, Tuesday, January 28, 1969. Title 45—Public Welfare.

"Part 60—Federal Financial Assistance for Noncommercial Educational Radio and Television Broadcast Facilities."

I will skip the next paragraph and go to what I indicated to the gentleman:

The program described in this part is subject to the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. Ch. 21) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Accordingly, payments made pursuant to the regulations in this part are subject to the regulation in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, the gentleman keeps talking about title VI, and we are talking about title VII. There is a vast difference in the two titles.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from California for yielding. I should like to point out that what we are talking about is the promulgation of rules for the implementation of title VII. Is that what the gentleman suggested he was reading?

Mr. MACDONALD. I believe I identified this as clearly as I can read as to what I was talking about. I cannot insert further words here.

Mr. CONYERS. I am just asking the gentleman a question. Is the answer "Yes"?

Mr. MACDONALD. The answer is, I am discussing with the gentleman from Missouri and the gentleman from Michigan

the hiring practices and HEW rules and regulations concerning public broadcasting. I have spelled it out in detail, and I can see very little that I can add that would be of any benefit to the gentleman.

Mr. CONYERS. Will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Perhaps we are not communicating on this piece of legislation properly. My assertion, and I want to repeat it again, so that if anyone in this body is confused about it will be clear, and it is that the Department of Health, Education, and Welfare has not yet promulgated rules for the implementation of title VII of the Civil Rights Act of 1964. I hope that is crystal clear. I have asked repeatedly of this committee where those rules are. And they have not yet been cited.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 189, noes 190, not voting 54, as follows:

[Roll No. 365]

AYES—189

| | | |
|----------------|-----------------|----------------|
| Abzug | Diggs | Long, La. |
| Anderson, | Drinan | Long, Md. |
| Calif. | Dulski | Lujan |
| Anderson, Ill. | Eckhardt | McClary |
| Andrews, | Edwards, Ala. | McDade |
| N. Dak. | Edwards, Calif. | McSpadden |
| Armstrong | Eilberg | Madden |
| Aspin | Esch | Madigan |
| Barrett | Findley | Mailliard |
| Bennett | Fish | Maraziti |
| Bergland | Flood | Matsunaga |
| Bevill | Ford, Gerald R. | Mazzoli |
| Biaggi | Ford, | Meeds |
| Bieber | William D. | Melcher |
| Blackburn | Fraser | Metcalf |
| Boggs | Frenzel | Mezvisinsky |
| Bolling | Gaydos | Millford |
| Brademas | Gaiimo | Minish |
| Brasco | Gibbons | Mink |
| Breaux | Ginn | Mitchell, Md. |
| Broomfield | Gonzalez | Moakley |
| Brown, Calif. | Grasso | Moorhead, Pa. |
| Brown, Mich. | Green, Pa. | Mosher |
| Brown, Ohio | Gude | Moss |
| Buchanan | Gunter | Myers |
| Burgener | Guyer | Nedzi |
| Burke, Calif. | Hamilton | Nelsen |
| Burke, Mass. | Hansen, Idaho | Nix |
| Burlison, Mo. | Hansen, Wash. | O'Brien |
| Burton | Harrington | O'Hara |
| Carey, N.Y. | Harvey | Patten |
| Chisholm | Hawkins | Pepper |
| Clancy | Hechler, W. Va. | Poage |
| Clay | Heckler, Mass. | Podell |
| Cleveland | Heinz | Preyer |
| Cohen | Helstoski | Price, Ill. |
| Collins, Ill. | Hicks | Pritchard |
| Conable | Hillis | Quie |
| Conte | Hinshaw | Railsback |
| Conyers | Holtzman | Randall |
| Corman | Horton | Rangel |
| Coughlin | Howard | Rees |
| Cronin | Hudnut | Regula |
| Culver | Hungate | Reuss |
| Daniels, | Jordan | Rinaldo |
| Dominick V. | Karth | Robison, N.Y. |
| Davis, S.C. | Kastenmeier | Rodino |
| Delaney | Keating | Roe |
| Dellenback | Kluczynski | Roncalio, Wyo. |
| Dellums | Koch | Rose |
| Denholm | Lehman | Rosenthal |
| Dent | Litton | Roy |

| | | |
|-------------|----------------|---------------|
| Roybal | Steiger, Wis. | Widnall |
| Runnels | Studds | Williams |
| Ryan | Symington | Wilson, |
| St Germain | Thompson, N.J. | Charles, Tex. |
| Sarbanes | Thone | Wolf |
| Schroeder | Thornton | Wright |
| Seiberling | Tiernan | Wyder |
| Smith, Iowa | Towell, Nev. | Wyman |
| Stanton, | Vanik | Yates |
| J. William | Vigorito | Yatron |
| Stark | Waldie | Young, Ga. |
| Steele | Whalen | Young, Ill. |
| Steelman | White | Zablocki |

NOES—190

| | | |
|----------------|-----------------|----------------|
| Abdnor | Green, Oreg. | Pettis |
| Adams | Gross | Peyser |
| Alexander | Grover | Pickle |
| Andrews, N.C. | Gubser | Pike |
| Annunzio | Hammer | Powell, Ohio |
| Archer | schmidt | Quillen |
| Arends | Hanley | Rarick |
| Ashbrook | Hanna | Rhodes |
| Ashley | Hanrahan | Roberts |
| Bafalis | Hastings | Robinson, Va. |
| Baker | Henderson | Rogers |
| Beard | Hogan | Roncallo, N.Y. |
| Bowen | Holifield | Rooney, Pa. |
| Bray | Holt | Roush |
| Brinkley | Hosmer | Rousselot |
| Brotzman | Huber | Ruth |
| Broyhill, N.C. | Hunt | Sarasin |
| Broyhill, Va. | Hutchinson | Satterfield |
| Burke, Fla. | Jarman | Saylor |
| Burleson, Tex. | Johnson, Calif. | Scherle |
| Butler | Johnson, Colo. | Schneebeli |
| Byron | Johnson, Pa. | Shipley |
| Camp | Jones, Ala. | Shoup |
| Carney, Ohio | Jones, Okla. | Shriver |
| Carter | Jones, Tenn. | Shuster |
| Casey, Tex. | Kazen | Sikes |
| Cederberg | Ketchum | Sisk |
| Chamberlain | King | Skubitz |
| Chappell | Kuykendall | Slack |
| Clark | Kyros | Snyder |
| Clausen, | Latta | Spence |
| Don H. | Leggett | Staggers |
| Clawson, Del | Lent | Steed |
| Cochran | Lott | Steiger, Ariz. |
| Collier | McCloskey | Stratton |
| Collins, Tex. | McCollister | Stubblefield |
| Conlan | McCormack | Sullivan |
| Cotter | McEwen | Symms |
| Daniel, Dan | McFall | Taylor, Mo. |
| Daniel, Robert | McKay | Taylor, N.C. |
| W. Jr. | McKinney | Teague, Calif. |
| Davis, Wis. | Macdonald | Thomson, Wis. |
| Dennis | Mahon | Treen |
| Derwinski | Mahary | Udall |
| Devine | Mann | Ullman |
| Dickinson | Martin, Nebr. | Van Deerlin |
| Donohue | Martin, N.C. | Vander Jagt |
| Dorn | Mathias, Calif. | Veysey |
| Downing | Mathis, Ga. | Waggonner |
| du Pont | Miller | Walsh |
| Duncan | Minshall, Ohio | Wampler |
| Erlenborn | Mitchell, N.Y. | Ware |
| Eshleman | Mizell | Whitten |
| Evans, Colo. | Mollohan | Wiggins |
| Fascell | Montgomery | Wilson, Bob |
| Flynt | Moorhead, | Wilson, |
| Forsythe | Calif. | Charles H., |
| Fountain | Murphy, Ill. | Calif. |
| Frelinghuysen | Murphy, N.Y. | Winn |
| Frey | Natcher | Wyatt |
| Froehlich | Obey | Young, Alaska |
| Fulton | O'Neill | Young, Fla. |
| Gettys | Parris | Young, Tex. |
| Gilman | Passman | Zion |
| Goldwater | Perkins | |
| Goodling | | |

NOT VOTING—54

| | | |
|--------------|-------------|--------------|
| Addabbo | Griffiths | Rooney, N.Y. |
| Badillo | Harsha | Rostenkowski |
| Bell | Hays | Ruppe |
| Bingham | Hébert | Sandman |
| Blatnik | Ichord | Sebelius |
| Boland | Jones, N.C. | Smith, N.Y. |
| Breckinridge | Kemp | Stanton, |
| Brooks | Landgrebe | James V. |
| Crane | Landrum | Stephens |
| Danielson | Mayne | Stokes |
| Davis, Ga. | Michel | Stuckey |
| de la Garza | Mills, Ark. | Talcott |
| Dingell | Morgan | Teague, Tex. |
| Evins, Tenn. | Nichols | Whitehurst |
| Fisher | Owens | Wylie |
| Flowers | Patman | Young, S.C. |
| Foley | Price, Tex. | Zwach |
| Fuqua | Reid | |
| Gray | Riegle | |

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLAY: Page 5 insert after line 17, the following:

Sec. 3. Section 396(g) of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(4) The Corporation is prohibited from rendering any financial, technical, or other assistance to any entity which has not first demonstrated that it is currently in compliance with all laws, rules, or regulations intended to ensure non-discrimination in employment practices."

Mr. CLAY. Mr. Chairman, under the Public Broadcasting Act of 1967, CPB has four principal purposes: First, assist in the level of high quality programs for presentation over public radio and television; second, establish and develop interconnection for such stations; third, assist in the establishment and development of one or more systems of public broadcasting stations; and fourth, act so as to assure the maximum freedom of noncommercial educational broadcasting systems and stations from interference with or control of program content or other activities.

The development and promotion of so-called high quality programs have priate programming for the masses"; an elite which has not defined nor explained "high quality"; an elite which has used its own value standards to select "appropriate programming for the masses"; an elite which serves an elite and not all segments of the population. So "high quality" becomes synonymous with what the elite defines, not what the people want.

Since the Public Broadcasting Act—PBA—mandated the Corporation of Public Broadcasting—CPB—to assist the development of quality programs, evidently they have fallen short of this goal in terms of the diversity of the viewing public. From the \$35,000,000 operating budget for 1972-73, CPB spent approximately \$650,000 for these programs.

There has been token employment with minorities composing 7.9 percent of the total employment in public television, but these figures become microscopic when we look for minority representation at the decision- and policy-making levels.

The most regressive policy of public television has been the limitation placed on programming to, for, and about minority communities in general and the black community in particular.

As token black programs emerge the rest of the minority community must sit and wait for reruns of "Chicano" or native American specials, so by providing a little for one group, the other group is discriminated against and the problem is compounded. Public broadcasting has a mandated responsibility and a significant percentage of minority programs is part of this responsibility, a part which has not been met. This has reached the stage where minority broadcasting is regarded by CPB as more of a concession than a right.

To be specific, CPB announced on Feb-

ruary 7, 1973, that "Black Journal," the only black public affairs program, was being refunded at its present level of \$345,000 for the fall season beginning October, 1973. However, CPB's negative policies will also cause "Black Journal" to lose about \$350,000 that it received last year from the Ford Foundation.

At the same time, CPB announced that "Soul," the only black cultural program, would share a reserve of \$305,000 set aside for additional black programming. It was further pointed out that "Interface," a black program designed for white audiences was being produced and, depending on its quality would share a portion of the \$305,000 reserve with "Soul." "Interface" was allotted \$40,000 for a pilot program. On May 15, 1973, CPB announced that the entire \$300,000 in the reserve fund would be allotted to "Interface". The rationale offered by Keith Fischer, executive vice president of CPB was that "Interface" was the preferred program because it took "a sociological rather than a cultural approach to the black experience." Ironically, as of May 15, 1973, when the announcement was made, "Interface" had not furnished a pilot program.

The above facts point to the following conclusions: first, "Soul," a black cultural program, will be replaced by "Interface," a program oriented to whites but called black. Second, "Black Journal" will be crippled by a limited budget, thereby reducing its quality and frequency of broadcast and certainly paving the way for replacement. The train of thought which follows from this could be called subtle systematized institutional racism. The mere facts that CPB is attempting to reduce funding for Black Journal instead of doubling it, arbitrarily phasing out Soul instead of supporting it and funding additional black programs; and conniving to replace Soul and Black Journal at a later date with Interface. All serve as evidence that the white establishment-controlled mass communications media is malignantly infected with widespread, long-standing deeply entrenched racism.

It is apparent that the Corporation for Public Broadcasting like it's counterpart in commercial television is of the opinion that blacks are not entitled to a fair share of television programming; cannot determine program content and context, and definitely will not be placed in a position to eliminate gross distortion and misinterpretation of the black experience which are based on white middle-class value judgment.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. CONYERS, Mr. CLAY was allowed to proceed for 2 additional minutes.)

Mr. CONYERS. Will the gentleman yield to me?

Mr. CLAY. I yield to the gentleman.

Mr. CONYERS. For the benefit of those Members who have just come into the Chamber, can the gentleman summarize the thrust of his amendment?

Mr. CLAY. The purpose of this amendment is to clarify some of the confusion that presently exists at the Public Broadcasting Corporation. They are of the opinion that they do not come under the

enforcement provisions of title VII of the Civil Rights Act. They point to some language that was put into the bill in 1962, 2 years prior to the enactment of the Civil Rights Act, which says that this Congress should not interfere in the operations of public broadcasting in any way.

Well, I certainly do not believe that was the intent of this Congress in terms of enforcing or making the Broadcasting Corporation abide by the law of the land.

As a result of their interpretation, the FCC and HEW are doing very little in terms of enforcing the nondiscrimination laws of the land.

Mr. CONYERS. Mr. Chairman, I would ask the gentleman from Missouri (Mr. CLAY) if it is fair to say that the gentleman's amendment attempts to make clear that the Civil Rights Act provisions with regard to nondiscrimination in employment applies to the Public Broadcasting Corporation notwithstanding the fact that they are a public entity?

Mr. CLAY. Yes. In addition to that, it imposes on them the responsibility to make sure that they are not giving this money out until there is some evidence that those companies are not discriminating.

Mr. CONYERS. I thank the gentleman.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I would like to commend the gentleman from Missouri, our distinguished colleague (Mr. CLAY) for offering this very important amendment. I associate myself with the remarks of the gentleman, and I would hope our colleagues would adopt the amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from California (Mr. BURTON) in associating himself with the remarks of the gentleman from Missouri and in commending the gentleman from Missouri for bringing this to the attention of the Congress. But I want to quote from a letter that was written to Speaker CARL ALBERT on July 12 from Henry Loomis, the President of the Corporation for Public Broadcasting, in which he said:

I would note that we have increased our funding for black programming in the national service from \$382,000 in fiscal year 1972, to \$692,000 in fiscal year 1973 to \$825,000 in fiscal year 1974. This has been done even though the Federal appropriation to CPB has remained at \$35 million during each of those fiscal years, as far as we know at the moment.

I object to the amendment because of this that we already have the necessary remedies in the law. The law is on the books, and we can go to those laws. It is superfluous to put this in here.

I would also like to say that if we amend this bill this way it will not pass until some time in October or November, or maybe not this year. It will kill public broadcasting, because if you put

this in this bill it will have to go to conference.

I am glad that this has been brought to the attention of the American people the way it has been outlined by the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. BURTON), and the gentleman from Illinois (Mr. METCALFE).

I admire each of these gentlemen, and especially I admire the gentleman from Illinois (Mr. METCALFE). He represented America at its greatest. I also wish to refer to the distinguished, astute, and gracious lady from New York (Ms. ABZUG) for her contribution.

But again I would say to the Members that if we put this amendment in it will not be possible to have a public broadcasting appropriation until sometime later this fall, and perhaps none at all. Just as last year, because of the Presidential veto, and all they have had is a continuing appropriation to work under.

If you want to starve it to death, this is the way to do it. I believe this House is for public broadcasting. I believe everyone ought to vote for it. When it comes to civil rights, I have voted for it every time since I have been in this House, and I intend to continue to do it. I will do everything I can to protect the rights of everyone who is in the minority. But this amendment is not going to help in this regard. It will not do anything that cannot be done now for minority groups. It may seriously impair the advances that have been made in public broadcasting.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Michigan.

Mr. CONYERS. I appreciate the Chairman's remarks. I know he has been a champion of civil rights across the years, long before this Member came to the Congress, so that I think we should make it clear that that is not the question. The question on this amendment is certainly not that we do not want to reserve the right to amend this bill; this is the function of the legislature. We amend all Federal laws. We eliminate some, and we add new ones during every session of Congress. But does our distinguished Chairman and friend of civil rights, the gentleman from West Virginia, know that the Public Broadcasting Corporation has no objection to this amendment?

Mr. STAGGERS. They did not tell me this. I will say to the gentleman this, that I do not believe this is the time nor the place to amend this bill, because if we put it in there, I say we will have to go to conference, and it will hold this bill up, and I do not believe the gentleman from Michigan wants to do that.

I do not believe that the gentleman from Missouri wants to do that either.

Mr. CONYERS. I do not want to kill the legislation, but if the Chairman will tell me where the time and place to amend this legislation is, I will be happy to meet him there.

Mr. STAGGERS. The chairman of the subcommittee said he would be willing to hold hearings, and I will be willing to set them up at the proper time.

Mr. MACDONALD. Mr. Chairman, rise in opposition to the amendment.

(Mr. MACDONALD asked and was given permission to revise and extend his remarks.)

Mr. MACDONALD. Mr. Chairman, first of all, to all of the Members sitting here I should like to make one thing as clear as I possibly can. I think many Members got confused during the last vote. This vote has absolutely nothing to do with civil rights. It is not a civil rights vote. This is in no way any indication of civil rights or one's views upon it.

The last amendment had some merit, perhaps, even though I felt it to be unnecessary. This particular amendment has absolutely no merit, for it does the same kind of thing we criticized the administration for. Many Members who voted for Public Broadcasting reluctantly because of the appointment of various members of the CPB Board by the administration, the various Members here who rose to their feet—many of whom I see—and decried the tactics of the Nixon administration because it was forcing programming on Public Broadcasting, are now or would be voting to do just that. The only difference would be if this amendment is adopted, it would have the Congress telling the Public Broadcasting what sort of programming it can have.

I should like to point out to the Members that we have no right to do that. During the debate of 1967 that set up this public broadcasting system, we tried to make it clear, as clear as we possibly could, that this quasi-independent agency should be insulated from any governmental interference. I say to these Members who feel that the Congress has a right to tell Public Broadcasting how to program that they are just as wrong as Clay Whitehead and the Nixon administration are. It is this kind of interference that led to the resignation of a former colleague of ours, Mr. Curtis, when he would not do the administration's bidding in saying what programs would be shown on the interconnection.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I thank the gentleman for yielding.

In reading this amendment I think there is a much more basic problem than has been discussed. In essence, the way the amendment is drawn, every station receiving any assistance from the Corporation on a daily basis would have to certify that it is in compliance with the rules because every day the Corporation is providing both technical and other assistance to people in the chain, and the way this amendment reads, if it is passed, it would put the Public Broadcasting completely out of business. I am sure that is not the intent but that is the amendment we are talking about.

Mr. MACDONALD. Mr. Chairman, I agree with the gentleman.

I would like to point out if there are people in the United States who do not like the programming practices of the Corporation, they have the right and indeed the duty if they feel that the board has

been negligent in programing, to challenge the licenses of the licensees that show these programs, just as is done in the commercial aspect of radio and TV. The licenses can be challenged, and as a matter of fact there are some licenses currently being challenged.

Finally it was stated by the gentleman from Michigan (Mr. CONYERS) that he could not understand why the subcommittee and the committee opposed the amendment when he indicated and stated the Corporation for Public Broadcasting approved of the amendment. I point out to the gentleman that I received today on July 20, 1973, a communication from the Corporation of Public Broadcasting in which in a two-page letter they outline the reasons why they oppose the amendment:

CORPORATION FOR PUBLIC BROADCASTING,
Washington, D.C., July 20, 1973.

HON. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate
and Foreign Commerce, Rayburn Office
Building, Washington, D.C.

DEAR MR. CHAIRMAN: The amendment that Congressman Clay intends to offer to H.R. 8538 strives toward an essential and very important goal, namely increased employment of minority groups in public broadcasting. However, this amendment would do this by making unjustified and unprecedented changes in the current method of administering Federal civil rights and equal opportunity laws and by duplicating Federal enforcement activities in this area.

The amendment would make the Corporation for Public Broadcasting responsible for determining compliance by broadcasters and other recipients of CPB funds with the Federal equal opportunity requirements. In other words, it would give CPB, which is a private corporation having no organizational relationship to the Federal Government, a principal responsibility for enforcing equal opportunity laws. Clearly, the enforcement of Federal laws is not and should not be the function of CPB or any other private person. This is a governmental function that should be carried out by a duly constituted Federal department or agency. CPB's congressional charter requires it to promote the development of noncommercial broadcasting and to foster diverse programing. CPB was not intended by Congress to be a Federal policeman.

Ironically, this amendment, in its attempt to eliminate discrimination, places unprecedented obligations on CPB that no other non-governmental body has, and in that way discriminates against CPB. In addition, this amendment would discriminate against CPB grantees by requiring them to first demonstrate their compliance with Federal equal opportunity requirements before becoming eligible to receive CPB funds. That is, a prospective grantee must first prove that it is not guilty of discriminating. This is contrary to one of the fundamental principles that our government is based upon. This amendment would also duplicate and infringe upon the authority of the several Federal agencies that Congress has already entrusted with the enforcement of Federal civil rights laws. This would be a needless duplication of efforts.

I stress that public broadcasting, which we must remember is in its infancy, has made and continues to make significant progress in increasing minority participation. CPB has a minority hiring program and also financially supports minority hiring and employment training by various grantees through CPB's Community Service Grants for public television.

Accordingly, although I fully support the objective of the amendment proposed to be

offered, I must oppose it because it is unnecessary.

We have no comments to offer on the amendment that Congressman Clay proposes to offer that would amend Sec. 392 of the Communications Act.

Sincerely,

DONALD R. QUAEJLO,
For HENRY LOOMIS.

So I repeat I hope the Members will bear in mind there is no civil rights in here.

Second, it is putting the Congress in the position we attacked the administration for and that is dictating to the Public Corporation.

I hope this amendment, which is a mischievous one indeed, will be defeated.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

I would like to ask the members of the Committee to listen, if they will, to just what the amendment says, and I quote the amendment:

The Corporation is prohibited from rendering any financial, technical, or other assistance to any entity which has not first demonstrated that it is currently in compliance with all laws, rules, or regulations intended to ensure nondiscrimination in employment practices.

The language of that amendment would, as the gentleman from Florida has pointed out, require daily assurance of compliance for anyone from whom the Corporation would receive a phone call of inquiry, or who might be in need of some assistance or information. The Corporation would have to at that point determine whether or not they are in compliance.

It does not make an exception, as I read this, for an effort being made to come into compliance at some future date. It says that they must demonstrate that they are currently in compliance, so the effort to get into compliance would not apparently be satisfactory. The funds apparently are to be prohibited on that basis.

"Other assistance" I assume must mean the most minimal assistance of any kind because it says "any assistance".

Finally the Corporation is almost totally unequipped in terms of either personnel or finances to check everyone on the financial passthrough requirements of the 30-percent money that it passes through to other stations.

I oppose this amendment although I supported the last one because it deals with programing, because I think the language is not properly drawn to try to give at least some leeway in accomplishing what the sponsor of this amendment, I think, wants to accomplish, and finally because I believe we should not at this point be tampering with the programing decisions of the Corporation for Public Broadcasting.

The Corporation of Public Broadcasting is, under the law which we passed in 1967, an independent corporation. It is not a separate entity like the Secretary of HEW, who was the subject of the gentleman's first amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, this amendment is one sentence long. I do not see anything that deals with programs, or implies that it deals with programs. Is that a fair statement?

Mr. BROWN of Ohio. Mr. Chairman, I think it is not a fair statement because the Corporation makes grants to other entities who then undertake the completion of the programing. Under the provisions of the amendment being considered the Corporation is prohibited from making a grant to an entity which is attempting to come into compliance with the civil rights regulations. I do not think the gentleman intended that.

Mr. CONYERS. If the entity is not required to be nondiscriminatory under the regulations of the United States; namely, the Civil Rights Act of 1964.

Mr. BROWN of Ohio. "Not currently complying with all laws, rules and regulations." I think that is excessively restrictive.

Mr. Chairman, I yield the balance of my time.

Mr. ECKHARDT. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, I supported the previous Clay amendment and I believe I have supported every legitimate civil rights measure that has come on this floor, but I oppose this amendment, because I do not believe that the amendment has any effect other than to make the Public Broadcasting Corporation an enforcement authority with regards to other bodies which are already controlled by the Civil Rights Act.

I would like to clarify these facts to the Members on the floor. There has been some indication that this Corporation is itself not controlled by title 7 of the Civil Rights Act. Actually, title 7 states that the term "person" includes one or more individuals, labor unions, partnerships, associations, corporations and so forth.

It provides that the term "employer" means a person engaged in an industry affecting commerce who has 25 or more employees. This Corporation is a "corporation" and is therefore covered under the term "person." It is an "employer," because it employs more than 25 persons, and it is engaged in commerce.

If the entities which are referred to in this amendment fall under that definition of "employer" in this Civil Rights Act, they are controlled by title 7 of that act.

This amendment by the distinguished gentleman from Missouri (Mr. CLAY) then provides that the Corporation is prohibited from rendering any financial, technical or other assistance to any entity which has not first demonstrated it is in compliance under the Civil Rights Act.

The Corporation and each of those entities are required to comply with the Civil Rights Act. The proper authority to make them comply is the Equal Employment Opportunity Commission, the Justice Department, and certain other Federal agencies, but this Corporation is not organized for the purpose of enforce-

ing any criminal or civil law of the United States.

To call upon this Corporation to determine the question of whether or not there is compliance by every entity with which it deals is to impose upon it a duty which it is totally unequipped to perform. If it were required to perform such duty, its decision might be fair or might be unfair, but certainly that decision should not be made by this Corporation. That power should not be exercised by a corporate entity, composed of 15 persons appointed by Mr. President with no equipment to determine violation or nonviolation.

The Corporation should be required to comply with the act and, as I have shown, it is required to do so. It is my information it is doing so, and I shall attach after my statement the Corporation's statement concerning "Prohibition Against Discrimination Under Programs Receiving Financial Assistance from the Corporation for Public Broadcasting." Its Form A requires that an applicant organization make the following acknowledgment:

11. Non-Discrimination and Other Requirements: The applicant organization acknowledges that it has received and hereby subscribes to the CPB "Prohibition Against Discrimination Under Programs Receiving Financial Assistance from the Corporation for Public Broadcasting". The applicant organization agrees to comply with all Federal, State and local laws and regulations applicable to the Approved Project, specifically those relating to employment conditions, minimum wage, social security, safety and health, etc.

Thus, I believe that when the Corporation is commanded to comply with the Civil Rights Act, as I have shown it is, and when it does comply with that act and requires those with whom it deals to give assurance of their compliance and, thereafter, uses reasonable means to be assured that such entities perform their agreement, it has fulfilled its full obligation.

The language of the amendment would further. It would require the Corporation to in turn require a broadcasting station with which it deals to demonstrate its compliance under the Civil Rights Act in advance.

Mr. Chairman, as a matter of sound regulatory legislation, indeed as a matter of due process, I would not set up a corporation without the equipment to find out the facts, which corporation then ultimately has the power to either withhold or extend certain privileges to which the entity would be entitled.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I am glad to yield to the gentleman from Missouri.

Mr. CLAY. I believe that is a part of the problem we are attempting to get at. The Public Broadcasting Corporation and HEW both have taken the attitude that because of the language in the Public Broadcasting Act of 1967, HEW and other Federal agencies are powerless in terms of getting the Public Broadcasting Corporation and television stations to abide by title VII of the Civil Rights Act.

The gentleman may have noticed the memorandum HEW sent to the gentleman from Massachusetts (Mr. Macdonald), July 19. They admitted in the last paragraph that according to section 398 of the Public Broadcasting Act they are prohibited from Federal interference over grantees, and they quote the section.

This is the problem. I see no difference between this kind of a remedy and the kind we have imposed on prime contractors when they are subcontracting out.

Mr. ECKHARDT. If this be true, I believe the decision is totally incorrect, because as I read section 7 there is no such limitation contained in section 7. This is a corporation which is engaged in commerce. It has more than 25 persons working for it. If the entities which fall under that definition are not controlled, I hope we are making some legislative history with respect to the Civil Rights Act applying to this Corporation and all other entities which otherwise comply with that definition which may result in the HEW on any other agency involved doing their duty in getting the broadcasting stations to abide by the Civil Rights Act's provisions.

If the gentleman will introduce a bill to clarify this point, I would support it, though I believe it is unnecessary.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment. I have no other alternative but to respond when so eminent a lawyer in our body as the distinguished gentleman from Texas rises in the name of civil rights to oppose the amendment of the gentleman from Missouri.

First, there is no question that the Public Broadcasting Corporation is caught by the provisions of both titles VI and VII of the Civil Rights Act of 1964.

Let me read the titles of those sections: Title VI, nondiscrimination in federally assisted programs; title VII, equal employment opportunity.

For anyone to claim that this amendment would place upon the Public Broadcasting Corporation too onerous a responsibility is a rather strained view, to put it mildly.

We are not asking the PBC to become an enforcer of title VII of the 1964 Civil Rights Act but rather to become subject to it, like any other corporation. We are merely asking them to do what many other businesses that deal with the Department of Defense are called upon to do every day; that is, to ascertain that they have rules and regulations concerning employment that are nondiscriminatory, and that they are attempting within their best efforts to reduce the problem of racial discrimination in their business as well as those that they do business with.

It is not true that this one-sentence amendment has anything to do with programming. I do not know how that could be read into this provision in any way. We are in no way trying to dictate to PBC as to what they are to do with regard to selection of programs, even though there is a lot of room for improvement in this regard.

And although it is a big problem, this amendment in no way attempts to deal with it. Any measure that concerns itself with discrimination in employment is a civil rights vote, even if the members of the committee fail to perceive it as such.

Should not a public-funded major national media, which happens to be supported by every Member of the Congressional Black Caucus, incidentally, be required to fully comply with all the provisions of the Civil Rights Act of 1964?

This amendment goes no further than that and in no way encroaches on the prerogatives and the responsibilities of CPB. I urge your support of the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, it seems to me, as I have listened to this debate, that much of the concern revolves around the language, "any entity which has not first demonstrated it is currently in compliance," and so on.

Is it the gentleman's belief that this would put upon the corporation the affirmative obligation before making any grant of completely reviewing the employment and hiring practices of any potential recipient or grantee to make the affirmative declaration or finding in advance that in all respects the hiring practices were in conformity with title VII of the Civil Rights Act of 1954?

Mr. CONYERS. Mr. Chairman, I would say that the gentleman has put his finger on the major point under discussion, and I do not think that this is the requirement.

I believe they have the responsibility to make sure that the other entities with which they might be dealing are not in themselves in violation of the Civil Rights Act, and their responsibility should go no further than that.

Mr. VAN DEERLIN. Mr. Chairman, I move to strike the last word.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the Chairman of the Committee, the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I just want to state again that I am opposed to the amendment. There have been good arguments made for and against the amendment.

I believe we understand the issues, and I do not want to prolong this discussion. I think we ought to have a vote on the amendment, not only that, but a vote on the full bill, because I have been informed by the Speaker that when we get through with this bill, we can go home; there will not be any more bills. But before I finish I want to acknowledge the fine job that the gentleman from Missouri (Mr. CLAY), the gentleman from Maryland (Mr. MITCHELL) and the gentleman from Michigan (Mr. CONYERS) have done in presenting and supporting these amendments. I am in accord with their objective but the amendment is not needed to achieve it. Nonetheless they ably presented their points of view and done an excellent job of representing their constituents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and on a division (demanded by Mr. CLAY) there were—ayes 32, noes 88.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8538) to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes, pursuant to House Resolution 467, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COLLINS OF TEXAS.

Mr. COLLINS of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COLLINS of Texas moves to recommit the bill H.R. 8538 to the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. STAGGERS. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 363, noes 14, not voting 56, as follows:

[Roll No. 366]

AYES—363

| | | |
|----------------|-----------|---------|
| Abdnor | Andrews, | Ashley |
| Abzug | N. Dak. | Aspin |
| Adams | Annunzio | Bafalis |
| Alexander | Archer | Baker |
| Anderson, | Arends | Barrett |
| Calif. | Armstrong | Beard |
| Anderson, Ill. | Ashbrook | Bennett |

| | | |
|-----------------|-----------------|----------------|
| Bergland | Giaimo | Miller |
| Bevill | Gibbons | Minish |
| Biaggi | Gilman | Mink |
| Biester | Ginn | Minshall, Ohio |
| Boggs | Goldwater | Mitchell, Md. |
| Bolling | Gonzalez | Mitchell, N.Y. |
| Bowen | Goodling | Mizell |
| Brademas | Grasso | Moakley |
| Brasco | Green, Oreg. | Mollohan |
| Bray | Green, Pa. | Montgomery |
| Breaux | Grover | Moorhead, |
| Brinkley | Gubser | Calif. |
| Broomfield | Gude | Moorhead, Pa. |
| Brotzman | Gunter | Mosher |
| Brown, Calif. | Guyer | Moss |
| Brown, Mich. | Haley | Murphy, Ill. |
| Brown, Ohio | Hamilton | Murphy, N.Y. |
| Broyhill, N.C. | Hammer- | Myers |
| Broyhill, Va. | schmidt | Natcher |
| Buchanan | Hanley | Nedzi |
| Burgener | Hanna | Nelsen |
| Burke, Calif. | Hanrahan | Nix |
| Burke, Fla. | Hansen, Idaho | O'Beay |
| Burke, Mass. | Hansen, Wash. | O'Brien |
| Burlison, Mo. | Harrington | O'Hara |
| Burton | Harvey | O'Neill |
| Butler | Hawkins | Parris |
| Byron | Hébert | Passman |
| Carey, N.Y. | Hechler, W. Va. | Patten |
| Carney, Ohio | Heckler, Mass. | Pepper |
| Carter | Heinz | Perkins |
| Casey, Tex. | Helstoski | Pettis |
| Cederberg | Henderson | Peyser |
| Chamberlain | Hicks | Pickle |
| Chappell | Hillis | Pike |
| Chisholm | Hinshaw | Poage |
| Clancy | Hogan | Podell |
| Clark | Holifield | Powell, Ohio |
| Clausen, | Holt | Preyer |
| Don H. | Holtzman | Price, Ill. |
| Clawson, Del. | Horton | Pritchard |
| Clay | Hosmer | Quie |
| Cleveland | Howard | Quillen |
| Cochran | Huber | Railsback |
| Collier | Hudnut | Randall |
| Collins, Ill. | Hungate | Rangel |
| Conable | Hunt | Rees |
| Conlan | Hutchinson | Regula |
| Conte | Jarman | Reuss |
| Corman | Johnson, Calif. | Rhodes |
| Cotter | Johnson, Colo. | Rinaldo |
| Coughlin | Johnson, Pa. | Robinson, Va. |
| Cronin | Jones, Ala. | Robison, N.Y. |
| Culver | Jones, Okla. | Rodino |
| Daniel, Dan | Jones, Tenn. | Roe |
| Daniel, Robert | Jordan | Rogers |
| W. Jr. | Karth | Roncallo, Wyo. |
| Daniels, | Kastenmeier | Roncallo, N.Y. |
| Dominick V. | Kazen | Rooney, Pa. |
| Davis, S.C. | Keating | Rose |
| Davis, Wis. | Ketchum | Rosenthal |
| Delaney | King | Roush |
| Dellenback | Kluczynski | Rousselot |
| Dellums | Koch | Roy |
| Denholm | Kuykendall | Roybal |
| Dennis | Kyros | Runnels |
| Dent | Latta | Ruppe |
| Devine | Leggett | Ruth |
| Dickinson | Lehman | Ryan |
| Diggs | Lent | St Germain |
| Dingell | Litton | Sarasin |
| Donohue | Long, La. | Sarbanes |
| Dorn | Long, Md. | Saylor |
| Downing | Lott | Scherle |
| Drinan | Lujan | Schneebeli |
| Dulski | McClary | Schroeder |
| du Pont | McCloskey | Seiberling |
| Edwards, Ala. | McCollister | Shipley |
| Edwards, Calif. | McCormack | Shoup |
| Ellberg | McDade | Shriver |
| Erlenborn | McFall | Sikes |
| Esch | McKay | Sisk |
| Eshleman | McKinney | Smith, Iowa |
| Evans, Colo. | McSpadden | Snyder |
| Evins, Tenn. | Macdonald | Spence |
| Fascell | Madden | Staggers |
| Findley | Madigan | Stanton |
| Fish | Mahon | J. William |
| Flynt | Mailliard | Stark |
| Foley | Mallory | Steed |
| Ford, Gerald R. | Mann | Steele |
| Ford, | Maraziti | Steelman |
| William D. | Martin, Nebr. | Steiger, Ariz. |
| Forsythe | Martin, N.C. | Steiger, Wis. |
| Fountain | Mathias, Calif. | Stratton |
| Fraser | Mathis, Ga. | Stubblefield |
| Frelinghuysen | Matsunaga | Studds |
| Frenzel | Mazzoli | Sullivan |
| Frey | Meeds | Symington |
| Freoblich | Melcher | Taylor, Mo. |
| Fulton | Metcalf | Taylor, N.C. |
| Gaydos | Mezvinaky | Teague, Calif. |
| Gettys | Michel | Thompson, N.J. |
| | Milford | Thomson, Wis. |

| | | |
|--------------|---------------|---------------|
| Thone | Wampler | Wolff |
| Thornton | Ware | Wright |
| Tiernan | Whalen | Wyatt |
| Towell, Nev. | White | Wyder |
| Udall | Whitten | Wyman |
| Ullman | Widnall | Yates |
| Van Deerlin | Williams | Yatron |
| Vander Jagt | Wilson, Bob | Young, Alaska |
| Vanik | Wilson, | Young, Fla. |
| Veysey | Charles H., | Young, Ga. |
| Vigorito | Calif. | Young, Ill. |
| Waggonner | Wilson, | Young, Tex. |
| Waldie | Charles, Tex. | Zablocki |
| Walsh | Winn | Zion |

NOES—14

| | | |
|----------------|-------------|---------|
| Blackburn | Derwinski | Shuster |
| Burleson, Tex. | Duncan | Symms |
| Camp | Gross | Treen |
| Collins, Tex. | Rarick | Wiggins |
| Conyers | Satterfield | |

NOT VOTING—56

| | | |
|---------------|-------------|--------------|
| Addabbo | Griffiths | Roberts |
| Andrews, N.C. | Harsha | Rooney, N.Y. |
| Badillo | Hastings | Rostenkowski |
| Bell | Hays | Sandman |
| Bingham | Ichord | Sebelius |
| Blatnik | Jones, N.C. | Skubitz |
| Boland | Kemp | Slack |
| Breckinridge | Landgrebe | Smith, N.Y. |
| Brooks | Landrum | Stanton |
| Cohen | McEwen | James V. |
| Crane | Mayne | Stephens |
| Danielson | Mills, Ark. | Stokes |
| Davis, Ga. | Morgan | Stuckey |
| de la Garza | Nichols | Talcott |
| Eckhardt | Owens | Teague, Tex. |
| Fisher | Patman | Whitehurst |
| Flowers | Price, Tex. | Wylie |
| Fuqua | Reid | Young, S.C. |
| Gray | Riegle | Zwach |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Riegle with Mr. Roberts.
 Mr. Teague of Texas with Mr. Ichord.
 Mr. Rooney of New York with Mr. Landrum.
 Mr. Blatnik with Mr. Mills of Arkansas.
 Mr. Reid with Mr. Stephens.
 Mr. Slack with Mr. Wylie.
 Mr. Addabbo with Mr. Talcott.
 Mr. Danielson with Mr. Sebelius.
 Mrs. Griffiths with Mr. Sandman.
 Mr. Morgan with Mr. McEwen.
 Mr. Nicholas with Mr. Mayne.
 Mr. Fuqua with Mr. Landgrebe.
 Mr. Fisher with Mr. Kemp.
 Mr. Gray with Mr. Hastings.
 Mr. Hays with Mr. Crane.
 Mr. Rostenkowski with Mr. Harsha.
 Mr. James V. Stanton with Mr. Cohen.
 Mr. Stuckey with Mr. Bell.
 Mr. Badillo with Mr. Stokes.
 Mr. Andrews of North Carolina with Mr. Skubitz.
 Mr. Bingham with Mr. Smith of New York.
 Mr. Bolland with Mr. Whitehurst.
 Mr. Breckinridge with Mr. Young of South Carolina.
 Mr. Brooks with Mr. Zwach.
 Mr. Davis of Georgia with Mr. de la Garza.
 Mr. Flowers with Mr. Eckhardt.
 Mr. Jones of North Carolina with Mr. Patman.
 Mr. Owens with Mr. Price of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 467, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the bill (S. 1090) to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 1090 and insert in lieu thereof the provisions of H.R. 8538, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8538) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and include therewith extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader (Mr. O'NEILL) the program for the rest of this week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, if the distinguished minority leader will yield to me, I shall be happy to reply.

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives the week of July 23, 1973, is as follows:

Monday is District day; no bills. H.R. 5356, Toxic Substances Control Act, open rule, 1 hour of debate; H.R. 8929, educational and cultural postal amendments, open rule, 2 hours of debate; and H.R. 8449, national flood insurance expansion, open rule, 1 hour of debate.

For Tuesday, Wednesday, and Thursday, H.R. 8480, impoundment control and 1974 expenditure ceiling, open rule, 4 hours of debate; H.R. 9360, Mutual Development and Cooperation Act, subject to a rule being granted.

There will be no session next Friday. Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman answer a question, if he can?

Mr. O'NEILL. I shall be glad to.

Mr. GERALD R. FORD. When will we have programed H.R. 8537, the Export Administration Act amendment?

Mr. O'NEILL. That probably will be scheduled for Wednesday of the week we come back from the August recess.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 23, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection as to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FLOOD INSURANCE AMENDMENTS

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker on Monday the House will be considering H.R. 8449, a bill to amend the flood insurance program. Yesterday all of the Members received a dear colleague letter from our distinguished colleague from Florida, SKIP BAFALIS. Our colleague's letter raised some objections to the bill, H.R. 8449, which I believe to be misleading in a number of places.

Mr. Speaker, I would like to comment on the objections raised in Congressman BAFALIS's letter.

It is alleged in our colleague's letter that H.R. 8449 would give the Secretary of Housing and Urban Development authority to set flood levels for each flood prone community in the country.

The authority to identify the areas of the country having special flood hazards is not contained in H.R. 8449, but in the National Flood Insurance Act of 1968, which authorized a program that has now been in operation for more than 4 years.

More than 2,300 communities are now participating in the program in order to obtain flood insurance at subsidized rates, and areas in 741 communities have already been formally identified as having special flood hazards. All of the 2,300 communities have already adopted, or legislatively agreed to adopt, the 100-year flood standard as the minimum basis for their zoning ordinances. It would be unfair and detrimental to the public interest to undermine at this late date the considerable efforts of so large a number of communities to reduce their future flood losses, simply because of objectives raised by land developers in a particular area.

All that H.R. 8449 would do with respect to identification is to direct the

Secretary of Housing and Urban Development to accelerate the identification and ratemaking process, so that higher limits of flood insurance can be made available to more communities sooner. No change in the existing standard is contemplated.

HUD establishes 100-year flood levels hydrologically rather than historically. This is not an exact science and has resulted in some very unusual determinations. The levels being set are sometimes far in excess of the highest known flood levels, and sometimes far below.

The fallacy of the question is its assumption that purely historical data is better than historical plus hydrological data. It is like assuming that the driver who won the race today will necessarily win the race tomorrow, regardless of conditions. It clearly assumes that no hurricane or other flood of substantially greater intensity or magnitude will ever occur in a given place in the future than it has in the past. Under such a theory, a new record flood could never occur in the future, simply because an event of the same size had never occurred before. Thus, occurrences like Camille, Agnes, and the Mississippi River flood this year should not be prepared for in any way before they happen, because each one substantially exceeded the previous historical record in some way.

In reality, the 100-year flood level is a compromise between the typical flood that occurs annually in many areas and the extreme flooding that occurs during storms like Camille, Agnes, or in the recent Mississippi River floods.

There is no implication that a flood of the level indicated could not occur in less than 100 years or that one will necessarily occur at that precise location before the 100 years have elapsed. The level established is simply the best scientific indication available of the flood level that has a 1-percent chance of occurring each year in the area where the determination applies.

The 100-year flood level is thus determined scientifically on the basis of all information available, and is related to what can happen, as well as to what has happened. The technical and engineering methods involved are well established and have been tested over long periods of time and involve a considerable degree of accuracy as to the relative level established. Moreover, it is essential to have a consistent technologically competent standard in administering a national program.

Charlotte County, Fla., for example, has never, in 125 years of recorded statistics, been subject to a flood level in excess of 7 feet. Yet, the flood level established for Charlotte in H.R. 8449 is an amazing 11 feet. This necessarily prohibits construction on 75 percent of the land area in Charlotte.

As elsewhere pointed out, H.R. 8449 as such does not affect the establishment of flood levels; areas of special flood hazards are established pursuant to the National Flood Insurance Act of 1968. Moreover, under the act, construction within identified flood hazard areas is not prohibited in any way. The only requirement for residential construction is that

it be elevated so that the level of first floor of the structure is at least equal to that of the 100-year flood, a result which can be accomplished without great additional expense.

In addition, the statistics cited in the objection are highly questionable. In its formal flood plain study of Charlotte and North Lee Counties in May 1968, the U.S. Army Corps of Engineers cites the hurricane flood of October 1921, as the greatest tidal flood in Charlotte County, producing high-water marks of 11 feet at Punta Rassa, 8 feet at Punta Gorda, and 9 feet at Fort Myers, and completely covering the coastal islands. The next highest tidal flood occurred in September 1920. Another major tidal flood occurred in September 1960. The 100-year flood determined by the corps, according to its report, using averages, would be about 2 feet higher than the 1921 tidal flood and about 5 feet higher than the 1960 tidal flood. The greatest flood of record for the county, moreover, is a rainfall flood that occurred in 1924.

The corps concluded that—

A recurrence of the tide flood of record should cause substantial damage to present development in the coastal area. In each of the 1921 and 1926 hurricanes, total damages [in the study area] were reported to have been over \$1 million. A recurrence of the 1921 hurricane on present development would cause tidal-flood damages estimated between \$25 million and \$30 million.

There is no valid reason to continue to build without taking such potential losses into account.

If Charlotte County, Fla., or any other flood-prone community does not accept the 100-year-flood elevation established by HUD, no building below this level can be financed through the banks after 1973, regardless of when the building was constructed.

The requirement contained in H.R. 8449 is that an identified flood-prone community must come into the national flood insurance program by 1975 so that its residents will have the opportunity to be more adequately protected against future flood losses by insurance and will not be solely dependent upon disaster assistance loans in order to rebuild their houses after a catastrophe occurs. However, the average cost of flood insurance under the program is only about 10 percent of its actuarial cost, so in return for this subsidy, the 1968 act requires that all future construction be flood proofed or else—with respect to all residential structures—be elevated to the level of the 100-year flood. If the community enters the flood insurance program, mortgage financing within the community is not denied to anyone.

However, if the community disagrees with the 100-year flood level established by the Secretary and does not want to enter the program, H.R. 8449 for the first time gives the community the right of both administrative and judicial appeal, which it did not have under the 1968 act. In addition, H.R. 8449 specifically requires the Secretary to consult with local communities in making his determinations, which he did not have to do before. Moreover, in all but a few rare cases, most of the community is unaffected by the Secretary's determinations, since

they apply only to areas that are especially flood prone.

Within the flood-prone area, it makes sense for both the lender and the purchaser to be protected from anticipated flood losses. Thus, the bill does not deny financing to such properties; it simply requires that they purchase flood insurance in the amount of the loan provided, just as bankers normally require fire insurance in connection with similar loans.

RULES COMMITTEE OPENS HEARINGS ON BUDGET CONTROL LEGISLATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, yesterday the House Rules Committee opened hearings on the Joint House and Senate Special Committee created by the Congress for the purpose of bringing the control of fiscal and budget problems of our Government back to the Congress.

This special 32-member joint committee has held hearings and taken testimony over several months, and unanimously reported out legislation to be presented to the Congress for consideration after the August recess.

Testimony on the first day of the Rules Committee hearings was given by Committee Cochairman ULLMAN and WHITTEN, and Covice Chairman SCHNEEBELI and RHODES. Further testimony will be taken by the Rules Committee next week from House Members and heads of Government departments.

Mr. Speaker, I include with my remarks a copy of my statement which I made to the Committee on Rules at the hearing on yesterday:

OPENING STATEMENT ON BUDGET CONTROL HEARINGS

(By Chairman RAY J. MADDEN)

The Rules Committee today begins consideration of H.R. 7130, a bill to improve Congressional control over budgetary outlay and receipt totals. This measure represents the work and unanimous recommendations of the Joint Study Committee on Budget Control, and an identical bill has been introduced in the other body by the sixteen Senate members.

As we begin these hearings I think that it is important for us to recognize the historical significance of the legislations we begin here this morning. In this Congress, we have been faced, to an extent never realized before, with the issue of the appropriate role of the executive and the legislature in fiscal matters. The Constitution clearly provides that Congress has both the power to lay and collect taxes and to provide by appropriation for the expenditure of all monies drawn from the Treasury. Despite the fact that this clearly indicates that Congress is to control both the expenditure and revenue side of the budget, this authority in practice has been eroded to such an extent that only the Office of Management and Budget in the Executive branch really has any control over spending by the Federal Government.

This is the second historic measure that we have considered this year designed to correct this imbalance of fiscal power between the executive and legislature. We have already acted upon a measure designed to limit the Presidential practice of impounding funds which the legislature has directed

be spent. Now, we are about to consider a second issue also designed to deal with this imbalance of fiscal control. Taken together, this activity should demonstrate the determination of this Committee and hopefully the Congress, to stem the erosion and reassert the rightful role of Congress in the fiscal affairs of the nation. An objective as worthy as this cannot but help cut across partisan lines and appeal to all members with the interest of Congress at heart.

The Rules Committee is beginning these hearings with a clear recognition of the historic importance that this subject represents. The importance of federal expenditures has sharply grown as a factor in our national economy. The decisions about government spending, and the priorities for that spending have never been so important. The time has come for Congress to assert clear authority and responsibility for control of these critical decisions. In order to do so, we must initiate new procedures that are equal to the task. Today, we begin the process of formulating these mechanisms.

The measures we have before us today are concerned with reasserting Congressional authority over expenditure and revenue totals and their allocation among various expenditure categories.

In a sense at least, the Rules Committee has already recognized the importance of this issue last fall, when in approving a rule for consideration of the debt limitation, we also approved in that rule the creation of a special Joint Study Committee on Budget Control. We now have before us, in our role as a legislative committee, the report of that Joint Study Committee and the bill, H.R. 7130, which embodies its recommendations on the issue of legislative budgetary control.

In acting on this measure at this time, the Rules Committee has a deep responsibility to act on this measure in a thorough-going manner. This is as it should be since the measure that we plan to report as a result of these hearings could well be among the most important, if not the most important, legislation reported by a committee in this Congress. We also have a very real responsibility to consider this legislation in an expeditious manner in order to give assurance that there will be adequate opportunity for Congress to act this year.

Our first two witnesses this morning are the cochairmen of the Joint Study Committee on Budget Control. I think it is particularly significant that these cochairmen have served as such a great team in the formulation of these recommendations, are drawn from the two chief fiscal committees that we have in the House: the Committee on Ways and Means and the Committee on Appropriations. I am, of course, referring to Al Ullman, the ranking member on the Ways and Means Committee and Jamie Whitten, the ranking member on the Appropriations Committee. We will hear at this time first from co-chairman Ullman and then from co-chairman Whitten, followed by co-vice chairman Herman T. Schneebeli of Pennsylvania.

RESIDENT COMMISSIONER BENITEZ TO JOIN CONFERENCE DISCUSSION ON MINIMUM WAGE BILL

(Mr. BURTON asked and was given permission to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, not only in my capacity as chairman of the Subcommittee on Territorial and Insular Affairs which has jurisdiction over matters affecting the Commonwealth of Puerto Rico and the various territories of the United States, but also as a ranking member of the General Subcommit-